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A STUDY OF INTERNATIONAL GOVERNMENT

BY

JESSIE WALLACE HUGHAN, PH.D.

AUTHOR OF "AMERICAN SOCIALISM OF THE PRESENT DAY" AND "THE FACTS OF SOCIALISM"

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To

EVELYN WEST HUGHAN

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EDITOR'S NOTE

In the present volume Dr. Hughan has traced the gradual development of international government from classical times down to the present, identified the factors which permitted and retarded this development, and presented a systematic analysis of the forces which enter into the problem of effective international organization to-day. The difficulties of coping with this problem are frankly faced, and some of the directions along which its solution might be sought are indicated. Dr. Hughan's treatment forms an admirable introduction to the subject, and should prove an invaluable guide to all those who are interested in undertaking a systematic study of this group of problems.

S. E.

PREFACE

In view of American discussion of the League of Nations, beginning with President Wilson's labors in setting up its machinery and the persistent effort which is still being made to induce this country to enter the League, it is both timely and pertinent to consider the historical aspect of the question. The present study of international government is not a plea for or against the present League of Nations per se, but is, as its name implies, an analysis of the efforts at government between and among nations since the dawn of civilization.

Its pages endeavor to trace international government from primitive to modern society, bringing out its connection with the present world movements of nationalism, imperialism, and internationalism. It shows, for example, how the Papacy during the Middle Ages approached a form of international government and how modern history has brought a gradual development along the legislative, executive and judicial lines. The historical portions are followed by an analysis of the constitution and achievements of the actual League, and, last of all, by a consideration of its specific problems in the light of economics, biology and social psychology.

Grateful acknowledgments are extended to Dr. Charles H. Levermore and Dr. Harry W. Laidler for

important assistance in the sections on the League of Nations and on internationalism respectively; to Professor John Bates Clark and Professor Stephen H. Duggan for valued suggestions; and to the editor of this series for most helpful criticism.

CONTENTS

PRELIMINARY ..... *Page* xv

CHAPTER

I. HISTORIC FORMS OF INTERNATIONAL GOVERNMENT *Page* 1

Primitive Society—Early Religious Leagues—The Practice of Adoption — Clientage — Commendation — Ancient Imperialism — Mediæval Theocracy — Sanctions of the Theocracy—The Power of the Theocracy—The Decline of the Theocracy—The Theocracy and International Government—Weakness of the Theocracy—The Strength of the Theocracy—Its Sanction—Its Officers—Its Weapons.

II. SPECIAL EXPEDIENTS IN INTERNATIONAL GOVERNMENT ..... *Page* 22

Federations—The Greek Leagues—The United States of America—Problems of Federation—The Settlement of the Problems—The German Federation—The Swiss Federation—Alliances—The Quadruple Alliance—The Triple Alliance—The Attitude of Great Britain—The Regrouping of 1914—The Balance of Power—Revival of the Principle—The Dangers of Alliances—Alliances and Democracy—The League as an Alliance—Summary—Selected References.

III. THE LEGISLATIVE BRANCH OF INTERNATIONAL GOVERNMENT ..... *Page* 42

International Law—International Law of Rome—The Jus Gentium—The Jus Naturæ—Modern Theories of International Law—Treaties—Revocability of Treaties—Ancient Treaties—Present Day Treaties—The Hague Conferences—The Organization of the Conferences—Limitation of Armament—Regulation of the Customs of War—The Conventions in the World War—Summary—Selected References.

IV. THE JUDICIAL BRANCH OF INTERNATIONAL GOVERNMENT ..... *Page* 61

Arbitration in Ancient Times—Mediæval Arbitration—Modern Arbitration—Anglo-American Boundary Arbitrations—Damage Awards—The Alabama Claims—The Del-

ago Bay Case—The Venezuela Boundary—Fisheries Problems—Further Boundary Settlements—Arbitral Procedure—The Personnel of Arbitration—The Hague Convention for Pacific Settlement—The Employment of Mediation—The Commission of Inquiry—The Convention on Arbitration—The Permanent Court of Arbitration—The International Court of Arbitral Justice—Record of the Hague Court—Arbitration Treaties—South and Central American Treaties—The United States and Arbitration Treaties—The Bryan Treaties—Summary—Selected References.

CHAPTER

V. The Executive Branch of International Government ..... *Page* 89

Public International Unions—The Universal Postal Union—Telegraphic Unions—Other Unions—International River Commissions—Inter-Allied Control—Limitations of Inter-Allied Control—Administrative Commissions—Condominium—Diplomacy—The Usages of Diplomacy—American Diplomacy—Its Success and Weakness—The Concert of Europe—The Later Concert—The Freedom of the Seas—The Monroe Doctrine—The Success of the Doctrine—Weakness of the Doctrine—Summary—Seected References.

VI. Nationalism, Internationalism, and Imperialism ..... *Page* 119

Nationalism—Nationalism in 1815—Nationalism After the World War—The Essentials of Nationality—Imperialism—The Beginning of Modern Imperialism—Imperialism and the Undeveloped Territory—The Process of Imperialism—Imperialism in the Twentieth Century—Neo-Mercantilism—The Profits of Imperialism—National Consent to Imperialism—Imperialism vs. Nationalism—Internationalism—The Workers' International—The International Socialist Bureau—The Break-up of the International — Attempts to Revive the International — The Third International—The Vienna Union—Attempts at Reconciliation—The Present Condition of the International—Internationalism and Imperialism—Internationalism and Nationalism—1815 and 1919—Selected References.

VII. The League of Nations Ideal..... *Page* 152

The Grand Design — The Abbe Saint-Pierre — William Penn — Kant's "Eternal Peace" — Bentham — The Nineteenth Century—The War Period—The Armistice Period—The League Essentials—The Executive—Membership—Equality—Democracy—Disarmament—Secret Diplomacy—The Backward Country and Trade Restrictions—Summary—Selected References.

CHAPTER

VIII. THE LEAGUE COVENANT ..... *Page* 170

Essentials of the Covenant—The Council and Assembly—Procedure Regarding Disputes—Procedure as to War and Aggression—The Executive—Membership—Democracy—Equality—Diplomacy—Limitation of Armaments—Economic Restrictions—Small Nations—Undeveloped Countries—Amendments—Summary.

IX. THE LEAGUE AND NATIONALISM..... *Page* 181

The Establishment of the League—The Secretariat—The Permanent Court of International Justice—Nationalism and the League—Upper Silesia—The Aaland Islands—The Balkan Problems — The Near Eastern Situation — The French Treaty with Kemal—The League and the New Nations—Nationalism within the League—The Assembly as a Parliament—Inhibition of Action—Summary—Selected References.

X. THE LEAGUE AND INTERNATIONALISM.... *Page* 199

The League and Democracy—The League and Labor—The League and Russia — Economic Restoration — The Economic Activities of the League—The Prevention of War — The Washington Conference — The Five-Power Treaty—Poison Gas—The Submarine—Rules of Warfare —The Identification of the Aggressor—Opportunities for League Action—The Vilna Affair—The League as a Preventive of War—Summary—Selected References.

XI. THE LEAGUE AND IMPERIALISM..... *Page* 225

The Mandatory System—Apportionment of Mandates—The Mandates in Operation—The Mandates and Empire —The Powers within the League—Weak Nations in the League—The Power of the League Council—Summary—Selected References.

XII. THE PROBLEMS OF INTERNATIONAL GOVERNMENT *Page* 235

Justice Not the Chief Problem—Three Problems of the League—Liberty and Inequality—The Recognition of Inequality—Apportionment of Representation—Modification of the Population Basis — The Problem Sanction — The Religious Sanction—The Personal Sanction—The Sanction of Force—Force as a League Sanction—This Sanction Adequate?—The Sanction of Public Consent—The Conditions of Stability—The Constant Elements in Public Consent—Persistence of the War Regimé—Selected References.

CHAPTER

XIII. Economics and International Organization *Page* 254

The Socialist Theory—Socialist Explanation of War—The Process of Industrial Expansion—Imperialist Investments—Economics and the Peace Treaties—Modern War Economic in its Origin—The Munition Interests—Profits of Munition Firms—Tariffs and War—Economics and International Government—Oil and International Relations—Oil and the Near East—Oil and the Mexican Situation—Oil and the Russian Situation—The League and Economic Rivalry—The Economic Situation in Europe—The Hesitancy of Statesmen—Suggested Economic Remedies—The Remedy of the Socialists—The Remedies of the Liberals—Defects of the Liberal Remedies—Defects of the Socialist Remedy—Summary—Selected References.

XIV. Biology and International Government *Page* 284

Conflict and the Darwinian Theory—The Survival of the Fittest—The Crude Doctrine Obsolescent—Human Conflict not Inevitable—Race Antagonism—The Utility of Conflict—Dysgenic Effect of War—The Group Struggle—Secondary Forms of Conflict—Summary—Selected References.

XV. Sidelights from Social Psychology....*Page* 298

The Function of Social Psychology—Advance of Figurative Language—The Social Mind—The Criminal Nation—The Criminal Type—Possibility of a Criminal Society—Atrocities in War—National Morality—Mediocrity of National Ethics—Figurative and Literal War—The War Instincts—The Primary Instincts—The Fear Motive—The Combative Instinct—The Blood Lust—Combat and Play—The Herd Instinct—Enlargement of the Category of Instincts—The Intoxication Motive—The Æsthetic Element—The Relaxation Impulse—The Unconscious—Traditional Motives—National Honor—Summary—Selected References.

XVI. The Future of the War Instincts....*Page* 329

The Plasticity of Human Nature—The Process of Sublimation—The Future of Fear—Irrational Fear—The Future of Combat—Possible Equivalents for War—The Secondary Conflict—The Conflict with Nature—The Future of the Herd—Two Types of Herd—Education in the Herd—Social Control and Herd Differences—Modification of Herd Control—The Larger Herd—The Æsthetic Impulse—The Element of Ecstasy—Passive Resistance—War in Art—The Relaxation Impulse—Social Restraint—Patriotism and National Honor—Summary—Selected References.

CHAPTER

XVII. THE TASK BEFORE US.....*Page* 356
Industrial Reconstruction—Freedom of the Individual — Modification of the Mores by Education — Weaknesses of Internationalist Education—Education Along New Lines—The Appeal to Virile Emotions—Courage and Internationalism—Education in Ethics—A Change of Emphasis—The Tabu—Negative and Affirmative—Instincts the Fundamental Forces—The Anti-War Instincts—The Instincts and Modern War—The Necessity of Propaganda in War—Summary—Selected References.

XVIII. THE OUTLOOK .....*Page* 378

APPENDIX I .....*Page* 381
Covenant of the League of Nations—The High Contracting Parties—Membership and Withdrawal—Executive Organs—Assembly—Council—Voting and Procedure—Secretariat—Seat, Qualifications for Officials, Immunities—Reduction of Armaments—Permanent Military Commission—Guarantees Against Aggression—Action in Case of War or Threat of War—Disputes to be Submitted to Arbitration or Inquiry—Arbitration of Disputes—Court of International Justice—Disputes Not Submitted to Arbitration — Sanctions — Disputes with Non-Members—Registration and Publication of Treaties—Review of Treaties—Abrogation of Inconsistent Obligations—Engagements that Remain Valid—Control of Colonies and Territories—Social Activities—International Bureaus—Promotion of Red Cross—Amendments.

APPENDIX II .....*Page* 395
Member of the League of Nations—States Invited to Accede to the Covenant—Members Later Admitted to the League, with Dates of Admission.

INDEX .....*Page* 397

PRELIMINARY

We who have lived through the last decade cannot but find one question of compelling interest—is war destined to continue as a factor in human affairs? However we may solve this problem, we find the solution closely connected with the subject of International Government.

"International" carries two simple and related meanings: pertaining to two or more nations, and concerning different nations in common. "Government" signifies the exercise of authority in the administration of the affairs of a state, community or society.[1] "International Government," therefore, is the exercise of authority in the administration of the affairs of two or more nations.

It is true that a self-conscious association of nations embracing the general functions of government is almost unique in the world, the theocracy of the Middle Ages furnishing perhaps the only historical attempt at such an organization until the Hague Conferences and the present League of Nations. It is only in its later stages, however, that government of any kind becomes fully self-conscious. During the long period of civilization leading up to the

[1] *Century Dictionary*, 1914.

Hague Conferences the germs of international government were slowly maturing along the three lines of the legislative, executive and judicial. In many respects our recent essays in international organization have consisted of a formulation of principles and practices long recognized in the intercourse of nations.

I make no apology, therefore, for including under international government such topics as the Alabama Claims, the Concert of Europe, and the Universal Postal Union.

Like national government, international government has usually been exercised from self-interest or love of domination, and only at certain periods of enlightenment has its purpose been subject to examination. National government, though short-sighted rulers and ruling classes have mistakenly believed it to exist for their own aggrandizement, has one excuse for being, the promotion of human welfare by protecting the weak against the oppression of the strong and by facilitating the cooperation of persons in desirable undertakings. International government likewise has at times been mistaken by strong nations as a charter for the perpetuation of their own superiority. Its place in human affairs, however, like that of national government, depends solely upon its function of promoting welfare by protecting the weaker group against the aggression of the strong and by facilitating group cooperation in desirable undertakings.

The advantage of government as such over anarchy is still open to question. "One might assume with the philosophical anarchists that a government

was unnecessary, that the human instincts were in themselves all good, and that, were all restraints removed, man would act for the best and all individuals be happy."[2]

Experience has shown, however, that national groups have not consented to live without some form of government, but have always created for themselves some more or less satisfactory type of organization through which the general control might be expressed. While the tendency toward international government has been far less universal than the tendency to national organization, we find that, wherever groups have established with one another conditions of permanent intercourse, institutions have sprung up which contained at least the outlines of international government.

In our own time the demand for a deliberately adopted international constitution has been pressed upon us by the increasing complexity of world relations and by a recognition of the menace to civilization involved in the war régime. This demand culminated in the formulation of the Covenant of the League of Nations and the establishment of the League itself in 1920.

With the inauguration of the League, the problem has been regarded by many persons as permanently solved, except in so far as the natural development of the new organization may lead to modifications. Others have detected, as they thought, fundamental flaws in the structure, and have accordingly cast aside as a chimæra the hope of any deliberately adopted international government.

[2] Pillsbury, *The Psychology of Nationality and Internationalism*, p. 249.

It seems desirable, therefore, to make a brief study of government among nations thus far, which shall center frankly about the League of Nations from a practical point of view.

A number of important volumes upon this subject have come from the press since 1914. For the most part, these may be included in two classes—the one class, published before 1919, and setting forth proposals which were to a great extent disregarded in the Covenant subsequently adopted, and the second class, published after that date, and containing surveys of international government so arranged as to culminate in the actual League of Versailles as the realization of an ideal.

There seems need of a study which shall place the present League neither at the beginning nor at the end of international government, but in the historical center.

We are justified in asking also for such a treatment of the League as may visualize it in its actual setting among the forces of the present generation. The problems of nationalism and imperialism have assumed since the war an aspect which is to some extent unfamiliar; the movement of internationalism has shown a complexity which is baffling and, to some observers, menacing. The League of Nations needs to be studied, not *in vacuo,* but in the midst of these seething post-war currents.

Last of all, it is impossible to deal with the subject af International Government apart from the general problem of war. A few years ago thinkers were accustomed to concentrate their efforts upon the League of Nations in the hope that its estab-

lishment would bring about automatically the end of the war régime. We are now compelled to realize that the preservation and development of the League itself depend to a great extent upon the decision of the nations regarding such matters as armament.

Within the limits of the present volume and the capacity of the writer, it will be impossible to make an exhaustive study of the vast field we have outlined. We will confine ourselves to inquiry along the lines of these practical questions: To what extent does the present League of Nations fulfil the requirements of International Government? What light is thrown upon the specific problems of the League by the experience of the past? To what forces may we look for aid in the task of perfecting the League as the instrument of government among nations?

We will make, therefore, a brief study of International Government up to the present time, including a history of past experiments, an analysis of projected constitutions, and an attempted estimate of the conditions requisite to success. In this study the present League of Nations will be regarded less as an achieved goal than as a milestone in the progress of international organization.

The discussion will lead us eventually into the fields of biology, economics and social psychology. Our first enlightenment, however, will come from a survey of the historic forms which International Government has hitherto taken, their successes and failures.

CHAPTER I

HISTORIC FORMS OF INTERNATIONAL GOVERNMENT

Primitive Society

There are few, if any, traces of individual anarchy among the gregarious animals from which it is probable that man evolved. Only solitary creatures could be a law unto themselves, and the horde doubtless possessed always a rough organization for co-operation and restraint. Says Ratzel,[1] "No race is without political organization, even though it be so lax as among the Bushmen. . . . What sociologists call individualism has never been found anywhere in the world as a feature in any race."

We can envisage with fair distinctness, on the other hand, a time when control between hordes was non-existent, tabooed practices applied only to the home-group, and complete anarchy prevailed in inter-tribal matters. Among the American Indians "peaceful intercourse stopped at the frontier."[2]

War occurs in primitive society upon various occasions for dispute, the murder of a chief, the stealing of horses, the elopement of women, or a disputed title. Group solidarity often requires the entire tribe to avenge the injury of a member by an outsider, thus

[1] *History of Mankind*, vol. I, p. 129.
[2] *Ibid.*, p. 186, vol. II.

beginning a blood-feud which may last for generations.

We find very little mitigation of this anarchy by international government. The Eskimos possess no political cohesion whatever among neighboring districts; the only inter-tribal connection of the Solomon Islanders is through a loose alliance of chiefs of three different grades; among the Zulus there occasionally arises a strong ruler over adjacent populations, but his descendants are seldom able to perpetuate his sway.

Yet even in savage society we see the faint beginnings of law, of mediation, and of a league of nations. "Among the negroes of Africa primitive jurisprudence attains its highest development," such being the authority of the courts that "vendettas are rare and in the fullest sense of the term probably unknown." The Ifugao of Luzon have absolutely no authority for the village or district, each kin being separate; yet "when kin are arrayed against each other a go-between unrelated to both parties is chosen by common consent, but his sole power is that of personal persuasiveness." Public opinion has so standardized "what might be likened to international procedure," and the go-between is so desirous of a reputation and income through peace-making, that a fair approach to justice is usually secured.[3]

Among American Indians alone,—the Creeks, Cherokees and Powhatans, the Pawnees in the West and the Iroquois in New York, we find a few permanent leagues of neighboring groups. That of the Iroquois comprised five tribes speaking distinct but mutually intelligible languages. There was no supreme executive, but a federal council of forty-eight sachems, the tribes having unequal representation,

[3] Robert H. Lowie, *Primitive Society*, pp. 411, 418.

but one vote each; and unanimity of the whole council was required for a decision. The representatives belonged to special sibs, or kindreds, and were nominated by the women of the sib, the nominations being then ratified by the tribal and the federal senate. The council possessed general control over foreign policies, receiving ambassadors and deciding finally upon peace and war.[4]

Interesting as these traces of inter-tribal organization may be, they bear little relation to our own social inheritance. Modern world government is largely an outgrowth of the international institutions of Greece and Rome; and these seem to have developed chiefly through the spread of formal religions and through the practice of adoption.

Early Religious Leagues

Before the dawn of civilization came the extension of tribal religions over new territory by intermarriage or conquest. The common god, whether fetich or ancestor, would prescribe festivals and holy places to be shared by the related tribes; these in turn would necessitate the truce of a shrine or a season, carrying in its train more or less complex regulations of inter-tribal law.

Greek history shows a number of these leagues, known under the name of Amphictyonies (dwellers around), and existing from the prehistoric period. The Amphictyony always centered about a temple with its religious observances, and claimed as its purpose the protection of this temple and its treasures. The most famous of these leagues was the Amphictyony of Delphi, which included the principal tribes from Thessaly to the Peloponnesus.

[4] *Ibid.*, pp. 111, 388. A sib is a unilateral kinship group, recognizing relationship through father or mother, without regard to the other parent.

Its early history is unknown, but upon its first emergence it contained twelve cities, each sending a representative to a semi-annual convention. The manner of voting was definitely assigned, each possessing in theory two votes, though this equality was later somewhat modified.[5] In its humane enactments the Delphic Amphictyony anticipated the spirit of the Hague Convention, the members being bound by oath against destroying any of the League towns or turning away its running waters as a war measure. Probably also the members were forbidden to sell a conquered population as slaves.

Between 594 and 338 B.C. the League engaged in three Sacred Wars for the direct or indirect defense of the temple and of travelers to it; and, notwithstanding its humane platform, it made use during its campaigns of such practices as poisoning the water of a town and turning its territory into a wilderness.

Politically as well as ethically the Amphictyony gradually weakened. A comment upon this early League of Nations written long before the Covenant of Versailles seems to have anticipated certain of the problems of 1919:—

"As states of great power stood on an equality with insignificant tribes in the number of votes, they naturally prevented the settlement of important political matters in such an assembly."[6]

The League eventually succumbed to the corrupt influence of Philip of Macedon and looked on without protest while Platæa and Thebes were destroyed, —the final step in the degeneracy of the first League of Nations.

[5] Strabo, *Geography*, vol. II, p. 118.
[6] *Encyclopedia Britannica*, 9th edition, vol. I, p. 772.

With all its faults, the Amphictyony, like many other Greek institutions, approaches far nearer to twentieth century notions than its successors of Roman and mediæval times. Its sanction was religious, but religious in a cultural rather than supernatural sense, in that the common shrines were to be protected not by miracle of the gods but by deliberate action of the worshippers. The League was a prototype of the present League in that it was an assemblage of sovereign city-states, including both democracies and monarchies, and possessing regular officers, periodic assemblies, and fixed voting power. On the other hand, those regulations of the Amphictyony that did not concern the temple and its protection resembled more the Hague Conventions than any part of the League Covenant.

The unsolved problems of the Amphictyony still exist—the theoretical equality of member-states as compared with their actual inequality, and the difficulty of maintaining idealistic purity in wars initiated for an idealistic purpose.

The Practice of Adoption

The adoption of captives and other outsiders into the clan was frequent in primitive society. Such adoption constituted a fictitious descent from the totem in the metronymic, and from the ancestor in the patronymic tribe, and was governed by definite customs and ceremonies.[7] Lowie points to the great prevalence of adoption among the islands of the Eastern Torres Straits group.[8]

According to Sir Henry Maine adoption was the only means by which the primitive groups of mankind were able to unite with one another except

[7] Giddings, *Principles of Sociology*, p. 270 ff.
[8] Op. cit., p. 78.

through forcible conquest. "Everywhere we discover traces of passages in their history [primitive Europeans] when men of alien descent were admitted to, and amalgamated with, the original brotherhood."[9]

After the establishment of ancient civilization, the adoption became less complete and more specific in its aims. The traveling merchant, even in prehistoric times, had begun to owe his status in a foreign group not to the semi-religious adoption ceremony, but to the deliberate protection of a powerful person in the country, his xenos, or guest-friend. Except for this relation, a stranger in any Aryan tribe might be killed "with impunity, if not with credit." The office of xenos had become hereditary by the Homeric period, and continued throughout Greek history. Through him the foreigner could enjoy protection to life and property, but otherwise possessed no rights at law, except in cases where special treaties existed. A few of these accorded full rights to the nationals of one state in the territory of the other; the greater number provided merely that an accused person should first be tried by his own courts.

A further development of guest-friendship was the proxenos, or public guest-friend, the precursor of the modern consul. While the duty of the proxenos, as of the consul, was to assist traders and to disseminate commercial information, he differed from the consul in being a citizen, not of the appointing country but of that in which he held office, a true successor of the private xenos as a protector of strangers. Only in modern times have states consented to admit specially privileged foreigners into their ports in the interest of other nations.

[9] Sir Henry Maine, *Ancient Law*, p. 125.

Clientage

The hereditary relation of patronage gradually gathered about itself customs and rights, until in early Rome, with its complex structure of citizens and non-citizens, clientage became a permanent institution. The clients included both citizens of conquered states and foreign exiles resident in Rome. Until the reforms of Servius Tullius one of these non-citizens could enjoy the protection of the laws only through a Roman patronus, a member of one of the original gentes, to whom he was bound by a personal relation, and into whose gens he was admitted as a kind of subordinate or adopted member. Most private rights except that of intermarriage were eventually conferred upon the plebeians by the Laws of the Twelve Tables, while the praetor peregrinus was created to look after the legal relations of aliens; accordingly clientage had sunk by the time of Martial into a relation of personal dependency discreditable to both sides.

Commendation

From Roman clientage, on the one hand, and the Teutonic institution of comitatus, or personal following, on the other, there grew up the custom of commendation, a strong element in mediæval feudalism, especially in Anglo-Saxon England. While the system of feudal benefices had to do primarily with the holding of land, the process of commendation, by which a man came under the protection of some one stronger than himself without losing either his estate or his title, was a personal relation closely connected with that of patron and client. Commendation, unlike guest-friendship or patronage, signified little toward international government, as

nationalistic developments were largely in abeyance during the feudal period. The vassal relation was valuable, however, in legalizing various rights beyond the territories of the imperfect states then existing. The Norman kings of England claimed citizenship and the right of inheritance in France, while the French monarch considered himself justified in meddling with the affairs of England. The distinction between citizen and alien had lost its clearness of outline.

The sanctions of tribal adoption and ancient guest-friendship, as of the Amphictyonies, were rooted in religious and quasi-religious custom. Ratzel accounts for the hospitality of African negroes to strangers by a supernatural sanction, as the curses of the spurned were held in great fear.[10] The basis of mediæval vassalage, on the other hand, was the personal force of the great man. Political power as such was no element in these forms of inter-state connection. Contemporaneously with them, however, had grown up the cruder, though far more effective, relation based upon empire.

Ancient Imperialism

Egypt, Babylon, Persia, and the Alexandrine powers, often termed empires, consisted of little more than vast aggregations of former states loosely governed by a conquering tyrant. The Code of Hammurabi, indeed, furnished an anticipation of enlightened imperialism, and under the Persians we see the dim conception of a family of nations, under one head but enjoying autonomy and religious freedom. Greece was the home of widely efficient federations, illuminating to the student of international government, and sometimes drifting into imperial

[10] Op. cit., vol. II, p. 380.

characteristics, but always in theory mere alliances, and never achieving an approach to world control.

Not until Rome do we meet the magnificent conception of a multitude of nations dwelling together in peace under all-powerful law, each retaining its own civilization, while contributing freely to the universal culture of the imperial city. If peace under the reign of law were all that is required of international government, then Augustan Rome must be acknowledged to have solved the problem for the civilized world of that day.

In theory and to a large extent in practice the Roman Empire constituted a league of nations as tremendous for the first century, when we consider differences of transport and communication, as is the organization created at Versailles for the present. From Great Britain to the borders of India, from Russia to the Sahara, men bowed to one executive, the Emperor with his deputies, obeyed as supreme the legislation of the Senate or the Emperor, and settled their disputes under that unprecedented approach to justice, the Roman law. Nations were left in possession of their religion, their culture, and to a great extent their local monarchs and autonomy. Sovereignty alone was absorbed in the empire. Intercourse was free; the *pax Romana* throughout long periods was broken only by frontier barbarians; and in the latter days world-citizenship was the general prerogative. The sanction for this vast government was military power, and its perfection was marred only by the compulsory character of membership, the corrupt dominance of the imperial ring, and the disquieting presence of an unassimilated world upon its borders.

Mediæval Theocracy

Lofty as was the imperial ideal, there was another conception of world government even more magnificent, the idea of theocracy. Government under the direct fiat of God had been frequently claimed by Asiatic nations, notably the Jews. The god in question, however, was always a tribal deity, watching over his chosen people with jealousy, and bearing the title "King of Kings" as a sign of conquest rather than of government. Only with Christianity, foreshadowed by the Hebrew prophets and the Stoics, came the conception of a god who knew no barriers, "neither Jew nor Greek, bond nor free." The "Kingdom of Heaven," characterized by peace, brotherhood, and the high valuation of personality, was the ideal of Jesus of Nazareth, and for three centuries maintained its purity in the midst of the degeneracy of imperialism. The institutions in which it became embodied lost grasp of this ideal in an entangling alliance with the empire under Constantine, but the conception itself has gained rather than lost in power and remains "the star to every wandering bark" of international government.

It was the misalliance of the universal claims of theocracy and imperialism that produced the mediæval theory of world government, under which nations were ruled spiritually by the Holy Catholic Church, temporally by the Holy Roman Empire. The ideal transcended even that of ancient imperialism, for now, beside or above the Emperor who ruled men's bodies by the Roman law, sat the vicar of God on earth, who held the keys of heaven and ruled men's souls. The practice, however, was from the outset confused and inefficient, as typified by the two systems of law, the Roman and the canon, that now existed side by side.

Sanctions of the Theocracy

The theocracy did not lack strong sanction. On the one hand was the prestige of the Roman law [11] among nations lately emerged from barbarism, on the other the Apostolic Succession itself with the very effective weapons of excommunication and interdict.

The former was directed against the individual; and the major excommunication entailed an entire cutting off from the church and from civil society, including the privileges of bearing arms, marriage, commerce and holding of office.

"The effect in that age of the greater excommunication may be seen from the instance of King Robert, who, after sentence had been passed upon him, was deserted by everyone, with the exception of two servants." [12]

The interdict was issued against an entire province as well as an individual. "The condition of a country laid under interdict was most distressing. None but ecclesiastics, beggars, and children under the age of two years, were entitled to Christian burial; Holy Communion was permitted only to those in danger of death; the divine offices were performed with closed doors and on naked altars and before veiled crucifixes; marriages could not be blessed; the use of flesh meat was prohibited; both ecclesiastics and laics were forbidden to trim their hair; in a word, everything, down to the minutest articles of dress, betokened a season of mourning and penance." [13]

[11] "The presumption in later times was that all men were to be judged by it who could not be proved to be subject to another."—Bryce, *The Holy Roman Empire*, p. 32.

[12] John Alzog, *Universal Church History*, vol. I, p. 512; vol. II, pp. 120, 296.

[13] *Ibid.*, vol. II, p. 294.

The Power of the Theocracy

Nor was the power of the Papacy a matter of theory alone. Beginning with Gregory the Great in 590, and culminating from the 11th to the 13th centuries, the subordination of Western Europe to the Holy See was an outstanding fact. The Pope assumed responsibility for arranging the mutual relations of even such powerful sovereignties as France and England. The emperor Henry IV was deposed and excommunicated by Gregory, and his suing for pardon in the snows of Canossa has long stood as a picturesque symbol of humiliation. In the 13th century the Popes actually made and unmade emperors. Even in England, never included in the Holy Roman Empire, they made their presence felt. "Bethink thee," wrote Hildebrand to William the Conqueror, "whether, for thine own safety, thou oughtest not without delay to obey me"; and two hundred years later King John was reduced by the interdict of Innocent III to abject submission.

During the same three centuries, moreover, the European armies, if we can so term the miscellaneous forces of the feudal leaders marshalled for the Crusades, "were largely organized by the Popes, and directed continually to the advantage of the Papacy."[14] At least one monarch, the Emperor Frederick II, was driven into the Crusades through excommunication. For perhaps the only occasion in history, the armies of Western Europe were summoned to fight for a purpose outside the immediate advantage of any of their states, and for a time, at least, accomplished that purpose with success and disinterestedness, as indicated by the establishment of the Kingdom of Jerusalem under the patriarch

[14] Russell, Cecil H., *The Tradition of the Roman Empire*, p. 112.

Dagobert and the uncrowned Godfrey of Bouillon, in spite of the wiles of the Eastern Emperor and the jealousies of the feudal leaders.

The Decline of the Theocracy

The 14th century, however, saw the decline of Papal supremacy. The rivalry with the emperors, once triumphantly settled in the investiture contest, broke out again and again, degenerating at last into petty factional feuds. The theory of union between temporal and spiritual powers could last only while each kept to its own province; but the interdict was occasionally degraded to use in the personal quarrels of the clergy, and the contests with the emperor were sometimes actuated by territorial ambition, as in the case of the demand from Barbarossa of Tuscan lands bequeathed to the Holy See. Even at their best, the Popes often yielded to the temptation of despots,—partiality to the most submissive. Gradually they lost completely the unbending integrity of Hildebrand in the luxury and corruption of the Renaissance.

After the Revival of Learning had weakened the power of the church and renewed interest in Roman law, the allegiance of Europe began to flow back again toward the secular side of the Empire. The world had travelled too far, however, for a continuance of the theocracy; politics had begun to exist. Strong nations had grown up, and the Reformation was already under way. With the institution of national churches and of free bodies of dissenters, the theocracy almost entirely disappeared.

The Theocracy and International Government

The mediæval union presided over by church and empire cannot be called a league of nations, inas-

much as nations as we now know them were at that time almost non-existent. Only in France and England were national states beginning, and, except for the shadowy Empire itself, the rest of Europe was merely an aggregation of petty kingdoms, feudal domains and free cities, with but slight conception of sovereignty, crossed and recrossed irregularly by ties of vassalage.

Compared with the Amphictyons, the attempt of the Middle Ages at international government appears crude and chaotic. Democracy and even politics held no meaning for the mediæval mind,[15] and a modern liberal would have been far more at home among the Amphictyonic Pylagoroi than in the College of Cardinals. Yet, while the Greek religious wars ended in the violation of the very principles for which they were waged and in corrupt subservience to a foreign ruler, the First Crusade, at least, not only achieved the purpose for which it was initiated, but also succeeded to a certain extent, if we may believe the romantic historians of the time, in applying a code of humanity and honor to warfare with a people of different culture.

The theocracy was an even greater contrast to the orderly world-government of Rome than to the Amphictyonic League. In but two accomplishments was the theocracy superior. First, as far as the Papacy was concerned, at any rate, it derogated nothing from the sovereignty of the nations in its jurisdiction, retaining none but willing members; secondly, it proved strongest where the old empire showed weakest, in dealing with the invading barbarians. In Rome itself the Bishop rather than the Emperor was the protector of the city from Huns

[15] "The Middle Ages were essentially unpolitical."—Bryce, op. cit., p. 98.

and Goths, and in Britain, Gaul, and even Hungary the church was able to tame the successive waves of conquering heathen as they broke.

Weakness of the Theocracy

The two League problems which Roman Imperialism succeeded in solving for a time, the maintenance of peace and the extension of law, are just those in which the theocracy failed.

Through the Christian institution of chivalry the excesses of war were, indeed, somewhat mitigated, and in larger matters manful attempts were made.

In 1031 an enthusiastic peace movement was inaugurated by the bishops of Southern France, various councils taking up the agitation till "many entertained the hope that the age of war and violence was passing away, and that peace would reign forever. All arms were laid aside, and enemies sought out each other to forgive and be forgiven."[16] The movement simmered down in fact to an effort to enforce the canonical Truce of God, which extended from Wednesday evening of one week to Monday morning of the next. The truce became later the Peace of God, which was in force between every Thursday and Sunday, during Advent and Christmastide, during Lent and the Easter-cycle, and on every fast-day of the year. Violations were punished by excommunication and the interdict, the first example of the latter being the edict against the county of Limoges in 1031.

A chief duty of the Emperor was in theory to maintain peace in the world, and by the 13th century "the Papacy had undertaken the beneficent rôle of universal peace-maker. Papal legates began to in-

[16] Alzog, op. cit., vol. II, p. 293.

terfere, with success, in the wars of the nobles, and began to impose armistices and truces."[17]

Through the canon law and directly, moreover, the code of Justinian became established in places where cruder Teutonic law would otherwise have developed.

Bryce, forty years before the present League of Nations, thus voiced the unfulfilled aspirations of the theocracy:

> What might not be looked for from the erection of a presiding power common to all Europe, a power which, while it should oversee the internal concerns of each country, not dethroning the king, but treating him as an hereditary viceroy, should be more especially charged to prevent strife between kingdoms, and to maintain the public order of Europe by being not only the fountain of international law, but the judge in its causes and the enforcer of its sentences? To such a position had the Popes aspired.[18]

Yet the theocracy did not prevent the lawlessness and bloodshed of the Middle Ages. Its weakness was largely the weakness of the period, partly that of personnel, the natural deterioration of men possessing irresponsible power in an age of growing complexity. The theocracy in the 13th century could have been saved only by a succession of saintly supermen or by an achieved democratic organization, impossible at the time. Its chief defects, in fact, were what it shared with its age,—the ignorance following the overwhelming of ancient culture, the obliteration of political conceptions by the substitution of tribes for states, and the physical and mental confusion inseparable from the destruction of established language and communication.

[17] Luchaire, Achille, *Manuel des Institutions Francaises*, 1892, p. 233.

[18] Op. cit., p. 374.

The Strength of the Theocracy

The power of the church-empire may be attributed to three features in which it differed sharply from ancient imperialism,—the character of its sanction, the externality of its rulers, and the peculiarity of its weapons.

Its Sanction

The religious sanction was present in Roman rule as an artificial decoration. Among the Amphictyons it was originally paramount, but never attained a degree of validity approaching that of the Papacy. Apollo was but one god of many and possessed other shrines than Delphi. The divine ways were inscrutable and capricious and there was no assurance that specific sins would bring specific punishments. Salvation and damnation had no existence in the Greek Hades, and not even the Pythia herself could lay claim to their dispensation, much less the human leaders of a voluntary league. The Pope, on the other hand, was the authorized representative of divinity on earth; to him were entrusted the keys of a most definite Heaven and Hell; the law of God was as clearly codified as that of Justinian. What king was willing to incur everlasting penalties as the price of rebellion?

There was, moreover, a unity in the mediæval sanction which would have possessed power even in the absence of extreme supernatural fears. Greece and Rome acknowledged many gods and many philosophies. The modern world holds many states, each claiming at times supremacy over ethical principles. A number of actors in the Great War frankly acknowledged their participation as a triumph of patriotic necessity over religion. Persons of a different type defied the state through scruples

of conscience. An American bishop resigned his diocese rather than yield spiritually to the temporal power; British prelates made public protest against reprisals and the punishment of "objectors"; the Pope himself attempted vainly to reconcile the warring Catholics. The modern sanction is divided, the cult of the state struggling with the cult of religion; only in Germany did there exist in 1914 an artificial unity, similar to that of ancient Rome in the apotheosis of the state.

In the 11th century, on the other hand, even the scattered heretics knew no conflict between church and temporal power, and the recalcitrant kings themselves considered their filial undutifulness no impugnment of the authority of the Holy Father. The Empire and the Church were not two, but one, the word "holy" as applied to the former indicating "the visible church seen on its secular side, the Christian society organized as a state under a form divinely appointed."[19] The mediæval world could thrill with confident certainty to the war-cry, "*Dieu le veult.*"

Its Officers

Unlike the Cæsars who wielded authority as representing the world's greatest Power, both Pope and Holy Roman Emperor derived their peculiar prestige from the fact of being external to all the Powers.

The Pope, as God's vicar to all the faithful, belonged to no nation, possessing temporal power in Rome chiefly that he might thereby be absolved from dependence upon any earthly prince. In theory he was exempt from any narrowing influences of personal interest. The independence of the Papacy weakened visibly as it became identified with special

[19] Bryce, op. cit., p. 201.

territorial interest, but even now Benedict XV, in his refusal of Italian citizenship, is perhaps the only person in the world who successfully practices internationalism.

Not only the Pope, but the Emperor also, was, according to Bryce, "anti-national," as his office was in theory open to free-born Christians of any country. "Being Roman, he was of no nation and therefore fittest to judge between contending states and appease the animosities of race." [20] Even the armies of the Crusaders belonged to no national allegiance, as the orders of knights constituted a kind of military priesthood, responsible to God and the church alone.

The theocracy, therefore, notwithstanding its use of the word Empire, was international rather than imperial. Even its temporal ruler rested his claims upon neither conquest nor territorial sovereignty, and, as Bryce tells us, the Empire in the 14th century had become "with shrunken territory and diminished resources, fitter in some respects for the office of an international judge and mediator than it had been as a great national power." In direct contrast to the rule of ancient Rome, "both Empire and Papacy rested on opinion rather than physical force," and the Empire fell before the Papacy in the 13th century largely because the hold of the latter was stronger over the souls of men and because the Church "under Alexander and Innocent was animated by a loftier spirit and more devoted to a single aim." [21]

Its Weapons

The extreme weapons of the theocracy were, consistently with the above, the shadowy penalties of

[20] Op. cit., p. 263.

[21] *Ibid.*, pp. 120, 246, 374.

excommunication and interdict. Tortures and killings there were, in plenty, at the decree of enthusiasts of the faith, but these were desperate devices for the forcible salvation of souls, and formed no part of the mediæval experiment in international government.

The outstanding characteristic of the two types of papal ban is that they were purely negative. Somewhat similar penalties existed in ancient society under the form of ostracism and "cutting off from the people," but these were applied only to isolated individuals and usually depended for their effect upon physical banishment. Excommunication merely withdrew from an offender the kindly offices of the church, the logical consequence being that the social privileges of earth and heaven were alike withdrawn. All public office, including the kingship, depended upon membership in society, that is, the visible church, and upon excommunication automatically disappeared. On a larger scale the interdict withdrew from a people the sacred offices, reserving these only for persons under the special protection of the church. As a natural consequence to the mediæval mind, the district was plunged into mourning and penance. Hardy indeed was the offending person or government that could risk even the initiation of the papal ban.

Immaterial as these punishments may appear to the 20th century, they were in fact extreme applications of the modern method of "passive resistance." The chief elements in passive resistance, refusal of recognition, of association, and of services, were all operative in the ban. The first was especially effective against a reigning monarch, the withdrawal of papal recognition constituting a signal for the outbreak of rebellions hitherto latent; the second was a direct consequence of excommunication,

its completeness depending upon public belief in the validity of the church's curse; the third element, or the strike, was strong, as always, in proportion to the value of the services in question. The tremendous power exerted by these weapons in the hands of the Popes was due first to the perfection and universality of the church organization through which they were executed, and second to the consciousness in the originators of the importance of their services to the community. In the modern world it would be difficult to imagine this power as belonging to organized religion. The state on the one hand and labor on the other are probably the only forces capable of wielding the weapons of the ban.

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CHAPTER II

SPECIAL EXPEDIENTS IN INTERNATIONAL GOVERNMENT

The Treaty of Westphalia in 1648 marked the extinction of mediæval theocracy and the recognition of a new Europe of nationalities, independent sects and dawning democracy. The Reformation was an accomplished fact, geographical expansion was well under way, and the industrial and political revolutions were destined to transform the world within the next hundred and fifty years.

From this point we cease to study the rise and fall of past experiments in international government and begin to trace instead the gradual upbuilding of the present structure and the foreshadowing of the future.

It is true that, between the decline of the theocracy and the inauguration of the Hague Conferences, no deliberate attempt at international government appears in history. Government is a gradual growth, however, and, just as in national life codes and constitutions have been largely the blossoming of age-old custom and tradition, so in the international field we see the first stage of permanent government in the usages of intercourse among nations which attained a more or less conscious development with the rise of the modern state.

This development has proceeded with fairly even pace along the three main lines of the legislative, executive and judicial.

During the period when International Government was thus germinating, on the other hand, there appeared certain expedients which, though somewhat aside from the main course of development, have served, and to some extent still serve, as more or less effectual substitutes for government among nations. Important among these devices are the confederacy or federation, the alliance, and the principle of the balance of power. These are to be distinguished from institutions of international government in that they are essentially limited in scope, and, even in ideal, aim not at universality but at the marking off of one group from its neighbors.

The problems encountered by the federation and the alliance, however, are to a great extent the same that confront international government in its earlier phases. It is therefore advisable to devote a chapter to the consideration of these still vital institutions.

Federations

The Federation is an expedient which has performed, and now performs, many of the functions of international government. It consists of a permanent association of states which in its looser form is generally known as a confederation or confederacy, the term Federation being properly reserved for a close union of states under one central or federal government.

This form of association occurs, though rarely, even in primitive society, an unusual example being the League of Six Nations among the Iroquois Indians, previously mentioned. In ancient civilization the Federation appears with more frequency, the most famous, aside from the Amphictyonic League, being the Delian, Peloponnesian and Achæan Leagues.

The Greek Leagues

The Peloponnesian League flourished during the fourth century B.C., and constituted a defensive, and to some extent an offensive alliance. All the cities in the League bound themselves to submit disputes to arbitration where negotiation failed, but war was not prohibited as a final resort. Each state had one vote, regardless of differences in size, but this nominal equality did not prevent the acknowledged leadership of Sparta, whose power was still further increased when the custom arose of commuting the military service of the smaller states for money payments.

It was the treachery of the Spartan leaders in 477 B.C. that led to the formation of the rival *Delian Confederacy* of Athens and the Aegean cities. The league began under the happiest of auspices in the flush of the success of democracy over despotism at Salamis. The incorruptible Aristides himself was chosen to adjust the first quotas of ships and money, and the rule of one vote, one representative for each state was adopted.

As in other leagues, however, legal equality proved no match for concrete inequality. Within fifty years of Aristides' modest assessment of 460 talents, the demand had grown to 1300, and the military leadership of Athens soon developed into virtual empire, coercing the "allies" for ships, money, and service, and degrading into actual subjects such states as Chalcis, which ventured to assert its independence. A feature which we might do well to notice is that this imperialism of the sea was accomplished in the name of genuine democracy. Chalcis was subject in its charter not to a tyrant but to "the Athenian citizens," 20,000 of whom were supported by the taxes of the allies; and in Athens

the universal castes of the ancient world were so modified that distinctions in dress were disregarded and strangers marveled at the "extraordinary amount of license granted to slaves and resident aliens."[1]

The Achæan League, in its second phase after its revival in 280 B.C., stood firm for many years against Rome. The cities had equal power and retained their own municipal administration, but used the same money, weights and measures, and were obliged to harmonize their legal systems with that of the League. Foreign relations, including treaty-making, sending and receiving ambassadors, and declaring war and peace, were entirely under control of the central Senate, and a common prætor commanded the armies. The binding force of the League in its best days, according to Polybius, was a pure passion for freedom. He relates that a king once offered a large sum of money to pay the salaries of the League Council, but was sternly refused on the ground that "the interests of democracies and kings are quite opposite to each other."[2]

At least three modern federations have proved their success, the United States of America, the North German Federation, and the Swiss Federation, and the history of each shows the strong tendency of a loose confederacy to evolve into a closer union as a condition of survival.

The United States of America

The development of our own federation is of paramount interest, not only because of its magnitude and nearness to us, but because this union blazed the way for all modern attempts, and because it pos-

[1] Botsford, op. cit., p. 203. [2] *Ibid.,* p. 300.

sessed the great advantage of being initiated by men who were articulate as well as creative, and have left us in *The Federalist* a reasoned analysis of their purposes.

The Confederacy entered upon in 1777 was little more than a close alliance for defense and mutual peace. Its structure as well as its defects may best be brought out by a review of Hamilton's criticisms. These were directed chiefly against four types of weakness, centering about the problems of finances, commerce, sovereignty, and sanction.

Problems of the Federation

The Confederacy was powerless to regulate intercolonial commerce, and accordingly the country was crossed by a network of tariffs, as is modern Europe. The Federalists, accordingly, like President Wilson in 1918, placed the removal of economic barriers in the forefront of their demands.

Financial distress was extreme, not only because of the war debt, but because the method of raising not only armies, but funds, by means of quotas, had proved most unsuccessful. Neither population nor land values provided a just criterion for payment, according to Hamilton, and many states refused to pay their requisitions. A central taxing power was called for.

The retention of a high degree of sovereignty on the part of the constituent states formed a bar to all firmness of foreign relations, as no mutual guaranty existed between the governments. The principle of sovereignty carried with it an equality of votes among the colonies, but this equality Hamilton considered a violation of the democratic principle. "Sophistry may reply, that sovereigns are equal and that a majority of votes of the states will be a

majority of confederated America. . . . But . . . it may happen that this majority of states is a small minority of the people of America."[3]

Most serious of all, the sanction of the Confederacy was inadequate. On the one hand, the central government was unsupported by force, as there was no supreme tribunal, and it had no power to punish either by pecuniary mulcts, suppression of privileges, or military action. On the other hand, it had never been ratified by the citizens. It rested "on no better foundation than the consent of the several legislatures," though, says Hamilton, "the fabric of American empire ought to rest on the solid basis of the consent of the people."[4]

These four problems,—commerce, finances, sovereignty, and sanction,—are still with us, and the criticisms of Hamilton are to a great extent valid as regards the present League of Nations.

We must consider also, however, the position of the Anti-Federalists, led by Jefferson and the advocates of natural rights. These feared anarchy less than large armies and tyranny, and were willing to sacrifice the efficiency of centralization to the freedom of local units. "Everywhere there was opposition to a strong government over the states;"[5] and even *The Federalist* declares, "A sovereignty over sovereigns, a government over governments, a legislation for communities, as contradistinguished from individuals . . . is subversive of the order and ends of civil polity."[6]

The settlement adopted was far from unanimous. "Two of the thirteen states held aloof from the Union until they could be assured of its stability and

[3] *The Federalist*, No. 21.
[4] *Ibid.*
[5] Merriam, *History of American Political Theories*, p. 77.
[6] *The Federalist*, No. 19.

success; many of the other states had come into it reluctantly, all with a keen sense of sacrifice."[7]

It must be remembered that the contest, like most others in the political field, was based largely on the opposing economic interests of the time. The holders of personalty and the creditor class in general advocated stability by means of government centralization, and the debtor class, including the small farmers, stood for state rights, with freedom for agrarian legislation and the emission of paper money.

The Settlement of the Problems

Notwithstanding the triumph of the Federalists in the establishment of the Constitution, important concessions were given in the matter of local sovereignty. The executive received supreme command over the military and foreign affairs, but was checked in certain directions by Congress, notably in the declaration of war and peace. Congress acquired absolute control over taxation and commerce, subject always to the veto of the President. The Supreme Court was assigned complete jurisdiction over all inter-state disputes and affairs affecting foreign relations, but, strange to say, has never received the right to back up its decisions between states by the use of force.

In the new government the states gave up their rights of customs taxation, coinage, and control over armies and foreign policy, but were guaranteed territorial integrity, republican government and protection against external and internal violence.

A carefully reasoned attempt was made, on the other hand, to save the rights of the states under a strong central government. In addition to the elab-

[7] Woodrow Wilson, *Congressional Government*, p. 18.

orate systems of checks and balances by means of legislative, executive, and judicial departments, the bicameral legislature, with its lower house representing the population, and its upper house the states as equal units, was expected to preserve the principle of state sovereignty.

Of the two conflicting elements, centralization has survived. The doctrine of state sovereignty was crushed by the Civil War, receiving final blows in the popular election of senators and in the nationalistic impulses of the Spanish-American and the World War. Even the check which the power reserved to the states was expected to exert on the federal government has failed to prove effective.[8]

Whether the triumph of centralization is to be deplored or welcomed is a matter of opinion; a more serious defect in the Constitution, according to Mr. Wilson, is its fixed character. This fixity may have been intentional on the part of the founders, as the "general tendency of the new instrument of government was decidedly conservative and even reactionary in its leading features."[9]

Provision was indeed made for the amendment of the Constitution by a two-thirds majority of both houses of Congress ratified by the legislatures of three-fourths of the states, or by a constitutional convention embodying practically the same majorities. Mr. Wilson characterizes this method as "next to immovable machinery,"[10] and explains that we have been obliged to resort to "extra-constitutional means of modifying the federal system" in that "neither the knowledge nor the consciences of politicians keeps them very close to the Constitution."

[8] *Ibid.*, p. 241.
[9] Merriam, op. cit., p. 100.
[10] Op. cit., p. 241.

The German Federation

The two other notable confederacies of modern times show a similar tendency toward centralization as an alternative to anarchy. The German Confederation established by the Council of Vienna in 1815 was little more than a league for mutual defence and peace, the states possessing complete autonomy and being bound together only by a conference of diplomats. The league proved powerless against the intrigues of Austria and Prussia, and in 1869 fell completely under the domination of the latter, becoming a close federation soon to be transformed into the German Empire.

The Swiss Federation

The Swiss Federation, founded in the Middle Ages, existed until 1848 as a loose confederacy united only by diplomatic representatives, as were the German states. More fortunate in its history, however, it advanced toward centralization *pari passu* with a strong democratic development, with the result that Switzerland, although far from constituting a league of sovereign states, is to-day a nation possessing a great degree of local autonomy and enjoying one of the highest reputations for freedom in the modern world.

The constitutions and histories of these successful federations cannot fail to furnish guidance to new experiments in international government. The system of alliances and the doctrine of the Balance of Power, however, have played a far larger part in European history for the last hundred years.

Alliances

Alliances between nations are as old as history. They may exist for a number of purposes, com-

mercial, monetary, etc., most of which are likely to develop into the general alliance for mutual peace and defence, often offense as well. For the present purpose we need consider only the European alliances of the last century. Great Britain has to a certain extent held aloof "in splendid isolation" from the affairs of the Continent, and the United States maintained for many years the policy of Washington to keep clear of "entangling alliances."

According to Professor Munro, this policy should be interpreted with strict relation to the adjective "entangling," both the words of Washington and the practice of the Revolutionary statesmen indicating a willingness to enter into temporary alliances while avoiding a participation in European "systems," especially until the nation should have attained maturity. Even before the Farewell Address, however, Munro cites the general isolation policy as fundamental and established. John Adams, in the precarious circumstances of 1776, said, "We ought not to enter into any alliance with her [France] which should entangle us in any future wars with Europe:" and in 1783 Congress instructed its ministers "in case they should comprise in the definitive treaty any stipulation amounting to a recognition of the rights of neutral nations, to avoid accompanying them by any engagements which shall oblige the contracting parties to support those stipulations by arms."[11]

Burning questions with us to-day are whether an exclusive position is to be resumed as a part of reconstruction, and whether, if this is not to be the case, the League of Nations, a system of alliances, or a combination of the two, is to be chosen.

[11] Henry F. Munro in Duggan, *The League of Nations*, pp. 276, 278.

The Quadruple Alliance

The year 1815 was marked, like the year 1919, by a conclusive victory of allied nations over imperialistic ambition,—in 1815 that of Napoleon and the French,—and by the attempt of the conquerors to maintain peace and the status quo through a rearrangement of the map of Europe according to their own political standards.

England entered the Quadruple Alliance with Austria, Prussia, and Russia, not as a mere defensive expedient but as a genuine league of nations, bound "not by vague confessions of legitimist faith, but by specific agreements."[12] Lord Castlereagh welcomed the system of periodic congresses as a new departure in government, "giving to the counsels of the Great Powers the efficiency and almost the simplicity of a single State." The reactionary policy of Metternich, however, controlled the alliance from the first; liberal England broke away, and then France, who had been admitted as a fifth member. Austria, Russia, and Prussia remained and continued to repress reform until the uprisings of 1848.

The Triple Alliance

Alliances had ceased for some years to play any considerable part in European politics when Bismarck appeared, the Prussian successor of Metternich. Inaugurating, after the War with France and the foundation of the Empire, his famous policy of conquest through diplomacy, he concluded in 1879 a secret alliance with Austria designed for defence against Russia. In 1882 Italy, smarting from French aggression in Tunis, was admitted to the pact, also secretly, and the Triple Alliance was thus formed. Until after the retirement of Bismarck in

[12] Pollard, *The League of Nations in History*, p. 9.

1890 Germany enjoyed a virtual hegemony on the Continent, Russia, notwithstanding the Triple Alliance, continuing on most friendly terms, and England binding herself to Germany by royal marriages and outspoken expressions of friendship.

The approval which German exploits inspired during this period in the best British minds is indicated by the allusions to modern Germany in Lord Bryce's "The Holy Roman Empire."[13] He speaks of Germany as "again the central power of continental Europe, and the arbiter of its destinies," and refers to "the unbroken career of victory which . . . placed them at last triumphant in the capital of their foes" and "proved, in the truest sense, what strength there is in a righteous cause."[14]

After 1891, as the French policy of extending financial aid to the Tsar became firmly established, Russian friendship for Germany began to wane. The new connection led in 1895 to the formation of the Dual Alliance between France and Russia, the terms of which remained secret until 1917.

The Attitude of Great Britain

England, which had remained neutral in the face of the growing alliances, now began to grow somewhat cold toward Germany. The last difficulty with France after the Fashoda incident in 1899 was satisfactorily settled, and she entered with England upon a period of harmoniously expanding colonial activity. Germany, on the other hand, widened her growing separation from Great Britain by sympathy with the Boers and, by negotiating the concession

[13] Edition of 1892.

[14] Op. cit., pp. 433, 442, Edition of 1892. The mutability of alliances is vividly illustrated by the expurgation of this enthusiastic language in the later editions of *The Holy Roman Empire*.

for the Bagdad Railway, aroused general fear of her ambitions in the Near East.

England's first plunge into the net of alliances, however, was connected with neither France nor Germany, but came in 1902 in the form of alliance with Japan, a power hitherto outside the pale of European diplomacy, as a defence of India against Russia.[15] This alliance continued throughout the World War, being superseded in 1922 by the Four-Power Pact between Great Britain, the United States, Japan and France. 1904 brought with it the reversal of the traditional English policy in the Anglo-French Entente, an arrangement constituting nominally not a military alliance, but an understanding regarding the division of territory in Northern Africa. In 1907, after the weakening of Russia by the Japanese War and the strengthening of Germany by the award of the Algeciras Conference, Great Britain, following the principle of the Balance of Power, concluded a second entente with Russia, the Triple Entente now vaguely standing out in opposition to the Triple Alliance.

The Regrouping of 1914

The six years following 1908 were marked by the practical isolation of Germany and Austria, the diplomatic struggle of these against the Entente, and the gradual cooling of Italy toward the Triple Alliance which culminated in her withdrawal during the World War. The regrouping of the powers for the

[15] It is, of course, to be understood, that the various groupings and regroupings of powers were largely surface phenomena caused by the shifting of the economic sub-structure. The Anglo-Japanese Treaty of 1902, for example, was occasioned chiefly by the encroachments of Russian capitalists in China. For an account of these economic causes of rivalry, the reader is referred to Carlton J. Hayes, *A Political and Social History of Modern Europe*, Vol. II.

purposes of the contest, with Germany, Austria, Bulgaria and Turkey on the one side and most of the nations of the world on the other, brings us to the present period of reconstruction, when we face the problem as to the part which alliances are to play in future international relations.

A later chapter of the present volume will give in some detail certain reactions of the economic interests upon international politics after the World War.

The Balance of Power

The usefulness of alliances has lain largely in the maintenance through them of the Balance of Power, an expedient which was established as an international factor even in Greek times, the Athenians siding deliberately with the weaker rather than the stronger party in the quarrels between Thebes and Sparta.[16] The principle continued through mediæval history, being definitely applied in 1495 in the alliances of the League of Venice against Charles VIII, but achieved its greatest significance during the 19th century.

The eighteenth century jurist, Vattel, defined the Balance of Power as "such a disposition of affairs that no Power can ever find itself in a position to enjoy undisputed predominance and to impose the law on others," an exact reversal of the Roman principle of international government.[17] Westlake modifies the principle to apply only to power which threatens injury to its neighbors.

On the one hand, the Balance may serve to protect the smaller nations, encourage diversity of national type, and introduce greater stability in human af-

[16] F. C. Hicks, *The New World Order*, p. 20.
[17] Quoted in Pollard, *The Balance of Power*, p. 4.

fairs; on the other it strives usually to perpetuate the conditions of some certain date in a world that is constantly changing. "Alliances . . . may represent, at the time of their making, groups nearly equal in power—but these tend to become obsolete because the states which form the groups are not static. They may soon cease to represent equality and serve only as a cloak for inequality. . . . What is sought is the maintenance of the international status quo." [18]

Insistence upon the Balance of Power by England, Sweden and Holland in 1668 accomplished the valuable service of compelling Louis XIV to renounce for a time his claims in the Netherlands; yet it was in its name, on the other hand, that Poland was killed, and the bondage of the Balkans under Turkey prolonged.

Although England had been led by the principle into the wars with revolutionary France and into the Congress of Vienna, Canning afterwards interpreted it so as to reverse the policy of alliances: "In the position of neutrality alone can we maintain that Balance, the preservation of which I believe to be essential to the peace and safety of the world." After the Crimean War, Victorian England ceased for many years to trouble itself with the Balance of Power, allowing continental affairs to take their own course even to the seizure of Schleswig-Holstein by Prussia. John Bright termed it "a ghastly phantom, a foul idol," and the phrase relating to the Balance of Power gradually dropped out of the annual Mutiny Act.

Revival of the Principle

It was not until after the Entente with France that the old doctrine was revived, first in the renewal of

[18] F. C. Hicks, op. cit., p. 19.

the Japanese alliance against Russia, and next in concluding the Entente with weakened Russia itself as a balance to the menacing development of Germany. England's entrance into the Great War was ascribed by Germany to the Balance of Power. The German contention was not without reason, moreover, if we accept the statement of the *London Times* that the Balance was necessary for England's existence as a world power, and that of Poincaré to the King on July 31, 1914,—"I beg that your Majesty will excuse a step which is only inspired by the hope of seeing the European Balance of Power definitely reaffirmed." Henry F. Munro explains not only the participation of England in the World War but that of the United States as a necessity for the restoration of the Balance of Power. Be that as it may, the years controlled by the Balance of Power in Europe, roughly speaking 1795 to 1860, and 1906 through the Great War, have proved no happier for Europe than the intervening time when England, at least, renounced this method of preserving an equilibrium which even when attained can rarely be recognized.

While the usefulness of alliances toward maintaining the international balance must be acknowledged, certain dangers also are to be considered.

The Dangers of Alliances

The chief cause of England's withdrawal from the Quadruple Alliance was the domination of this league by a clever diplomatist, Metternich, and its employment by him for reactionary purposes quite outside of the original intention. Since the direction of such an alliance is entrusted to the governments in general rather than to a special set of responsible officials, it is but natural that the preoccupation of

some of the members should often allow the power of the group to be manipulated by others for their own ends. Such a director was Bismarck of the Triple Alliance.

The shifting character of alliances is a second weakness that must always be reckoned with, rendering them valuable at best for temporary purposes. Almost the only alignment of long standing in the European nations is that of England in opposition to France, dating from mediæval times, and ending with 1904. Russia was England's ally in 1815, a rival in 1890, and again an ally in 1907; Germany or Prussia, an ally or close friend of Great Britain from 1815 to 1900 and a bitter enemy in 1914. In 1882 Italy was the antagonist of France and the ally of Germany, in 1915 the partner of France against her former associate. Dependent as they are upon personal diplomacy rather than upon explicit agreement, it is rare that alliances survive the political life-time of their negotiators or the transient interests, economic or otherwise, that gave them birth.

Alliances and Democracy

The most serious peril of alliances, however, is the scope afforded by them for secret and ambiguous diplomacy and, at best, the removal of foreign relations from direct control of the people. The Triple Alliance was a secret arrangement; the complete terms of the Russo-French Dual Alliance were never published until 1917; the Triple Entente was technically only an understanding, but constituted in effect, says Albert F. Pollard, "an alliance in which vague expectations and debts of honor, limitless and undefined, took the place of the legal contract of formal alliance."[19] At the beginning of the Great

[19] Op. cit., p. 21.

War England was not a member of the Dual Alliance of France and Russia, and, according to Pollard, had made public statements two years before that there was no engagement for military cooperation and that the country would not commit itself beyond recall without consent of Parliament; yet, when the storm burst in 1914, it transpired that Sir Edward Grey considered England as an actual ally of France.

Even granting open and unequivocal alliances, there is a tendency inherent in them, at best, to deprive the people or parliament of a democratic state of their prerogatives regarding the declaration of war. Free England was until 1922 bound to fight for the defense of Japan, as was democratic France for the Tsar in 1914, and was thus at the mercy of a comparatively autocratic government, in so far as its aggressive policy might provoke attack from its neighbors. In every case the alliance is a matter for which the executive and its diplomatic personalities are immediately responsible; in the United States, for example, it requires no ratification by the lower house of Congress. Yet the house representing the people may at any time be confronted with a condition where the terms of the alliance compel it to make a declaration of war.

The League as an Alliance

Unless the League of Nations of the future takes on a literally universal character, it must be considered as an alliance more or less close, and as such it cannot fail to be involved in the problem of the Balance of Power. The distinction may indeed be made, says John Bassett Moore, "that a 'preponderance' of power would not be a 'balance' of power. The suggested distinction is unjust to the living and

unkind to the dead. We should not ascribe to the designers of 'balances' of power, either past or proposed, the imbecile intention to create only a 'balance' as distinguished from a 'preponderance;' nor have their performances or proposals justified such an imputation. On the contrary, the design to create a 'balance' has not deterred them from loading their scale-pan with all the weights they could secure, nor have they believed that they had a 'balance' till the beam inclined in their favor."[20]

As an alliance, moreover, no matter how inclusive the world government may be, it is liable always to be confronted with the dangers attendant upon former alliances, unless special means are taken to prevent their recurrence.

Summary

Passing from mediæval to modern history, we have surveyed two expedients which have supplied more or less the place of international government. The first of these is the federation of states, beginning usually as a loose confederacy, but forced eventually into a closer union when confronted with the choice between centralization and anarchy.

The second is the alliance, a form of association about which center the international politics of the nineteenth and twentieth centuries. The usefulness of alliances has consisted chiefly in their success toward the preservation of the Balance of Power. There are dangers connected with the alliance, on the other hand, in its essentially shifting character, in the readiness with which it lends itself to secrecy and manipulation, and in its tendency to remove from the people responsibility for war and peace.

Unless a League of Nations should achieve uni-

[20] In Duggan, *The League of Nations*, p. 71.

versality, it could hardly fail to be involved in the struggle for the Balance of Power and to be subject to the dangers that beset the alliance.

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CHAPTER III

THE LEGISLATIVE BRANCH OF INTERNATIONAL GOVERNMENT

Even when we leave out of consideration such special expedients as confederations and alliances, we find that international government had evolved by 1914 far along the lines indicated by the legislative, executive and judicial functions.

International Law

"Regulation," says John Bassett Moore, "is just as essential to the relations between groups of men as it is to the relations between individual men." [1]

This regulation, termed in modern times "International Law," has gradually developed among men as group connections required it, but differs sharply from at least the statutory branch of national law in that it emanates from no source of authority superior to its subjects, has possessed no courts recognized as universally adequate for its interpretation, and has been enforced by no supreme executive.

Inter-tribal anarchy had been materially modified long before the Roman period. The institution of adoption and the religious truce played an important part in this development, as has been mentioned. Moreover, treaties began with civilization, and the fraternizing effects of Oriental empires and Greek leagues were operative long after their political disintegration. It is to Rome, however, that we owe the conscious practice and formulation of intergroup law.

[1] *Proceedings of the American Philosophical Society*, 1916, p. 291.

International Law of Rome

Dionysius mentions an early law which bade the Romans not to massacre or enslave conquered peoples, but to settle parts of the territory with Roman colonists, and to give to the people of others Roman citizenship. Polybius terms a threatened attack upon envoys by a general of the Achæan League "a course which of all possible courses offends most flagrantly against the laws of gods and man."

By the republican period a regular procedure had been evolved in dealing with foreign affairs. The people possessed, at the very first, ultimate power as to treaties, peace and war, but ambassadors were formally introduced to the Senate by the consuls, and a special place called the Grecostasis was set apart for them while awaiting audience. The College of Fetials was entrusted with the formal conduct of international affairs, including treaties. Theoretically no war could be waged by Rome until the Fetials had investigated the dispute in an attempt at peaceful adjustment. If wrong proved to have been done by a Roman, he was officially surrendered and the injury if possible repaired. If the enemy proved at fault, reparation was formally demanded, and if no redress was promised the delegation of Fetials waited thirty-three days, renewed their protest, and reported the result to the Senate. If war was voted by the majority of the Senate, the head of the Fetials returned to the frontier, and solemnly declared war.

The Jus Gentium

It was private international law, however, and not the elaborate procedure of the Fetials, which was eventually codified as the law of nations. Under the Roman republic the legal cases involving foreign

citizens gradually came under the jurisdiction of a special *prætor peregrinus*. Since these outsiders were beyond the pale of the *jus civile,* the prætor adopted the practice of searching foreign laws for guidance and came to discover that many of their provisions were the same. Every year the prætor published a report of his office, steadily accumulating a collection of precedents founded upon the *jus gentium,* or law common to all nations; and, when the custom of yearly publication ceased, there existed a fairly complete code, international in its sources and in current use for adjusting disputes between citizens of different nations,—what is now termed private international law. With the codification under Justinian, this *jus gentium* became a permanent part of civilization.

That which we now understand as public international law, on the other hand, *jus inter gentes,* or law regulating the relations between states, received no such codification. The Fetials, as has been said, had developed important mores in dealing with foreign nations, and these have been largely embodied in later usage. With the growth of the Empire, however, the number of sovereign states rapidly decreased, until the days of greatest Roman power saw but one mighty state, bearing relations to its vassals which could be termed international far less than the relations of the British Empire of to-day with its colonies. Such groups as remained outside the Roman power were in general too remote or too barbarous for regulated intercourse.

The Jus Naturæ

During the mediæval period, the supreme theocracy excluded in a similar fashion the possibility of international law in the modern sense. Meanwhile,

the *jus gentium,* immortalized in the Justinian code and embodying practically the legal principles common to the nations known to Rome, had become somewhat peculiarly blended with the *jus naturæ,* or the ideal "law of nature," implanted in the human breast, which the Stoics reverenced as the highest rule of life. Grotius wrote,—"The principles of natural law, if you attend to them rightly, are of themselves patent and evident, almost in the same way as things which are perceived by the external senses."[2] The ethics common to all races, the voice of Nature's God in man, and even the practice of a golden state of nature from which man had fallen,—these mingled conceptions supplied a vague ideal of international relations far indeed from the actuality of Renaissance diplomacy and Macchiavelli, but ready to form a standard of comparison for the forward-looking minds of the seventeenth century. At the same time there existed in the codified *jus gentium* an authoritative foundation for actual practice, limited but definite.

Even in the sixteenth century Suarez had recognized the existence of a society of nations observing customary law, and Gentilis had produced a work *De Jure Belli,* from which Grotius took much of his plan and arrangement.

The Italian states had even begun the practice of international law in the modern sense, with the general idea that nations were interested in the maintenance of law and order among themselves; passports and regular ambassadors were in vogue, and a clear distinction existed between armies and civilians. Even though the prevalent theory of Macchiavelli was selfish and unscrupulous, the prac-

[2] Lawrence, Thomas J., *Principles of International Law,* p. 40.

tice of existing Italian states was far in advance of "The Prince."

It was for Grotius, however, to combine the noble but unscientific theory of the *jus naturæ* with the practical code of the *jus gentium* into a treatise on International Law which remains standard after nearly three hundred years.

De Jure Belli ac Pacis was published in 1625, during the Thirty Years' War, and we who have lived through a similar period of upheaval and frightfulness can understand the rapidity with which the ideas of Grotius spread in a society ready for a way out of the struggle. Two great principles were at the foundation of Grotius' work, and thus of modern International Law. The first of these was the absolute independence of states, a notion foreign to both ancient and mediæval Rome, and their legal equality with one another, an idea springing naturally from the philosophical conception of individual equality in the *jus naturæ*. The second principle was that of territorial sovereignty, a distinct contribution of feudalism, but divested of all the softening modifications which it had carried under the theocracy, and hardened into actual ownership by the influence of the *jus gentium,* which dealt definitely with the acquisition of property. The new structure of International Law was accordingly well fitted for rapid acceptance in a Europe which was just recognizing at Westphalia the modern principles of independent nations and territorial sovereignty.

Modern Theories of International Law

After Grotius the philosophy of International Law was modified somewhat by the successive phases of 17th and 18th century thought. To Hobbes and Locke the state of nature suggested chaos rather

than order, giving place in the theory of the latter to the social compact. Montesquieu went to the extreme of throwing aside wholly the conception of a previously existing ideal, and maintained the origin of primitive law wholly in the chance effects of environment. Bentham and those following him, while avoiding Montesquieu's exaggeration, have definitely abandoned the *jus naturæ,* considering expediency as responsible in general for changes in the law of nations. The theory of the *jus naturæ* survives in such legal fictions as the equality of states, and perhaps also in certain pious assumptions as to international relations, running through the literature of diplomacy and sometimes veiling effectively the actual transactions of the Powers.

Both custom and reason, however, are recognized by Westlake as the sources of International Law. Custom, or "that line of conduct which the society has consented to regard as obligatory," is still the principal source, through the practice of states in treaties and judgments, "so far as in all these ways they have proceeded on general principles and not with a view to particular circumstances."[3] The function of reason, on the other hand, is to apply and develop custom, and there are certain matters where "a rule founded on the consent of a society is wanting," in deciding which "the men who guide the action of states have only to obey their consciences." In such cases, in default of a rule, a state "ought as far as possible so to act that a rule might be framed on the precedent."[4]

So far, international law has lacked both completeness and definiteness, and even its exact provisions have frequently been violated by members

[3] John Westlake, *International Law,* pp. 14, 16.
[4] *Ibid.,* p. 17.

of the society of nations. Such flagrant transgressions as the invasion of Belgium have led certain moderns to deny the existence of international law in any practical sense. Professor Moore reminds us, however, that indefiniteness is by no means confined to the international field, the Sherman Anti-trust Law, for example, showing the same weakness. Neither does the violation of law, in time of war, at least, indicate its non-existence. No law is well enforced in war-time. Moore declared in 1916 that the violations of international law in the Great War had not exceeded in number or importance those growing out of the French Revolution and the Napoleonic Wars. "These things are done, not because of any uncertainty as to the law, but because the parties to the war, being engaged in a life and death contention by force, naturally think more of their own safety than of the interests of neutral nations."[5]

The suspension of certain provisions of our own Constitution as a war-time necessity goes to support Professor Moore's belief, *Inter arma silent leges.* "War itself means that the reign of law has been superseded by a contention by force."[6]

It seems that we must grant the existence of international law in spite of its frequent violation; yet the fact remains that this law has not yet proved itself adequate for application at the time of greatest necessity. In examining proposed enlargements of international law in the League of Nations, we must not neglect to inquire whether the expanded provisions carry with them special expedients for avoiding this ascertained defect.

[5] Op. cit., p. 294.

[6] *Ibid.*, p. 293.

Treaties

While the substratum of international, as of national law, rests upon universally accepted custom, it has been enriched in modern times by a large body of deliberate legislation in the form of treaties. These laws are defective in that they are binding, as a rule, upon only the signatory states, two or more as the case may be; but, as far as concerns certain states, including our own, they carry all the force of national legislation.

Treaties can be concluded only by sovereign states, and through authoritative plenipotentiaries, and even the agreements are of no effect until ratified by the contracting governments. Understandings a degree less formal than Treaties are known as Conventions, and those still more informal as Protocols. The Convention usually deals with the second class of arbitrable questions, those relating to the interpretation of previous treaties, and the Protocol, with the third class, those having to do with damage claims.

According to international law, a treaty is invalid unless it has been signed by free consent, but this provision is generally interpreted to mean that the negotiators must not sign under personal duress; one of the states may legally be forced into the agreement, as Germany declared herself to be forced at Versailles.

Revocability of Treaties

While treaties are recognized as contracts between states, their irrevocability has never been absolutely established, the phrase *rebus sic stantibus* being sometimes assumed. Treaties of certain types are subject to termination, or "denunciation," by either state after a period of time. A definite rule was

laid down, indeed, in the London Protocol of 1871, "that it is an essential principle of the law of nations that no power can liberate itself from the engagements of a treaty, nor modify the stipulations thereof, unless with the consent of the contracting powers, by means of an amicable arrangement."[7] War, however, is considered "with certain exceptions as having the effect of abrogating treaties." Richards cites opinions to the effect that war only suspends, without abrogating them, and explains the exceptions to even suspension as including agreements such as neutralization and the Hague Conventions, which are expressly planned to operate in the event of war.[8] Some light may be thrown upon the frequency with which such conventions have been violated[9] when we consider that these alone are expected to survive a general wreckage of obligations at the very time when motives toward repudiation are the strongest.

Ancient Treaties

Treaties are as old as history. The earliest extant, concluded between Egypt and the Hittites, 1272 B.C., is of a type not yet wholly out of date. It pledges mutual defence and assistance against rebellious subjects, and terms itself "the good treaty of peace and of brotherhood setting peace between them forever."[10] A treaty of the 6th century B.C., between two Greek tribes, the Eleians and the Heræans, arranges an alliance of one hundred years for mutual aid in war and other matters, carrying a penalty of a talent of silver against any person or community

[7] Oakes and Mowat, *Great European Treaties of the 19th Century*, p. 11.
[8] *Ibid.*, pp. iv-v.
[9] See quotation from J. B. Moore, p. 48, above.
[10] Botsford, op. cit., p. 8.

breaking the agreement. The sacredness of Greek treaties was enhanced by their being set up in the temples of the contracting states.

Many Greek and Roman treaties deal with such matters as commerce and private contracts; that of 509 B.C. provides that "if any Roman lands in the Carthaginian province in Sicily, he shall enjoy all the rights enjoyed by others." Centuries later Virgil immortalized such an early guarantee of alien rights in the lines, "*Tros Tyriusque mihi nullo discrimine agetur.*"

Present-Day Treaties

Treaties of present importance begin with that of Westphalia in 1648. Many of these have dealt only with special cases, such as boundaries or indemnities; others have laid down general rules to be followed, and have thus constituted actual pieces of legislation. Multipartite treaties, wherein a number of states are parties to the contract, are of greater legislative importance than bipartite, concluded between only two states, as withdrawal is more difficult and the group not so easily disintegrated. The Bryan Treaties, for example, by which the U. S. provided for arbitration with thirty states separately, have not the same law-making value as a similar multipartite agreement. On the other hand, the range of legislation may be far wider among a small number of homogeneous states than among a larger and more heterogeneous group. Treaties frequently become binding upon other states also by the process of formal adhesion or merely of tacit consent. The extent to which third states may become bound by treaties to which they are not parties is not yet absolutely determined.

During the 19th century conventional agreements

were signed by many states as to such matters as Weights and Measures (1875), Protection of Cables in Time of Peace (1884), and Repression of the Slave Trade (1890). R. L. Bridgman, in his *First Book of World Law,* lists the World Law concerning Navigation, The World Law of Arbitration, laws concerning the Universal Postal Union, the World's Prime Meridian, International Sanitation, Protection of Industrial Property, etc. The United States, because of its traditional policy of isolation and its fear for the Monroe Doctrine, has become a party to very few of these general agreements.

Various arbitration treaties have come into existence during the first decades of the 20th century, usually bipartite, but affecting in the aggregate a large number of nations. These will be taken up in a later chapter.

The end of the Crimean War marked the beginning of a long struggle to alleviate suffering and to reduce the injustice incident to neutrals during hostilities. The Declaration of Paris (1856) laid down the following principles: "1. Privateering is, and remains abolished; 2. The neutral flag covers enemy's goods, with the exception of contraband of war; 3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag; 4. Blockades in order to be binding must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy."

In 1864 a great step forward was taken in the signing of the *Geneva Convention* by twelve nations at the initiative of Switzerland. The purpose of its signers was expressed as: "to alleviate, in so far as they can, the evils inseparable from war, to suppress the useless hardships and improve the condition of

soldiers wounded on the field of battle."[11] Four years later a second conference at Geneva adopted additional articles to extend these humane regulations to naval warfare; and at St. Petersburg a declaration was signed against the use of explosive bullets. Notwithstanding the obvious advantages of these various conventions, their acceptance was slow. The United States waited until 1882 to ratify the Geneva Convention, and this was the only international agreement relating to war which was generally agreed to by the end of the 19th century.

The Hague Conferences

It was at this point in world legislation that the epoch-making Hague Conference was undertaken. Europe in 1899 had already entered upon the armament race which culminated in the World War, and the Tsar of Russia, appreciating the danger with a foresight beyond his time, sent to each of the Powers, including the United States, an invitation to a conference upon limitation of armaments. To the statesmen of twenty years ago the project appeared that of a sentimentalist; the Powers gave a perfunctory acceptance, however, and for the first time in history 26 out of the 59 nations of the world assembled for the deliberate enactment of legislation looking toward peace. Success was achieved in several directions, and it was generally expected that a second conference would be held within a very few years. The Boer and the Russo-Japanese Wars intervened, however, and it was not until 1907 that the nations met again at The Hague, once more at the formal call of the Tsar, but at the suggestion of President Roosevelt and the initiative of the Interparliamentary Union. This time 44 nations were represented

[11] Wm. I. Hull, *The Two Hague Conferences*, p. 109.

out of a possible 57. A third conference was planned for the summer of 1915, but by this date the world was deep in the deluge.

The Organization of the Conferences

The organization of these conferences is of interest as the first conscious attempt at a "parliament of man," the legislative branch of international government. Both were grouped into commissions, that of 1899 including three Commissions—on Armament and Weapons, Usages of War, and Arbitration, that of 1907 embracing six—on Arbitration, War on Land, War on Sea, Maritime Law, Petitions and Editing. Each state was allowed representation on every committee and possessed equal voting power both in commissions and plenary session, but a steering committee of the Great Powers held the general reins of the Conference.

Secrecy was planned for both 1899 and 1907 and was largely achieved at the first conference, no careful record being kept even within the meetings; in 1907, however, the attempts to maintain secrecy were half-hearted, and the newspapers succeeded not only in reporting the discussions each day, but in bringing public opinion to bear with frequent effect.

Limitation of Armament

Although the impression has generally prevailed that the legislators at The Hague constituted a Peace Conference, aiming to abolish war, this is far from being the case. The United States delegation, for example, included Captain Mahan, a vigorous advocate of military force. In fact, the limitation of armament, though the original purpose of the first Conference, played a small part in the discussions.

A unanimous expression was indeed passed in 1899 to the effect that such limitation was desirable and worthy of study by the governments, and this expression was confirmed in 1907; but the Commission on Armament disappeared from the second Conference and all discussion of action shifted to the field of arbitration.

By far the most important achievements of The Hague were in this field. They will be considered later on. Its legislative efforts dealt entirely with the modification of warfare through the regulation of weapons and of practices on sea and land.

Just as the Powers failed to respond in any concrete manner to the suggestion of quantitative limitation of armaments, so there were many demurrers at the proposals to moderate the cruelty of war by qualitative restriction as to weapons. The first four points in the Tsar's program were clear, and, read in the light of the World War, seem almost prophetic: 1. Non-increase of military and naval forces; 2. Prohibition of new fire-arms and more powerful explosives; 3. Restriction of use of already existing high explosives and prohibition of hurling "projectiles or explosives of any kind from balloons or by any analogous means;" 4. Prohibition of submarine torpedo-boats and of war-vessels with rams.

Propositions 1 and 4 failed to secure any action beyond the regulation of submarine mines. The portion of the fourth proposition relating to balloons was passed almost unanimously, but afterwards restricted on the motion of the American representative to five years, a period extended in 1907 "until the end of the third Peace Conference." The second proposition was modified into a prohibition of "projectiles charged with explosives which diffuse asphyxiating or deleterious gases," and in this form

was passed over the determined negative of Captain Mahan. While Great Britain joined in refusing signature in 1899, she gave her adhesion to the declaration in 1907, thus leaving the United States alone in the opposition. The prohibition of dumdum or expanding bullets was also passed at the 1899 Conference, the United States, Great Britain and Portugal withholding their assent.

Regulation of the Customs of War

Recommendations 5, 6 and 7 of the Russian program, dealing with the customs of war, proved far easier of acceptance than those for either quantitative or qualitative armament limitations. The two conferences succeeded in adapting the Geneva Convention of 1864 to naval warfare, in regulating the conversion of merchant ships into men-of-war, and in placing restrictions upon the bombardment of an undefended town. A detailed code for warfare on land was adopted in 1899 and enlarged in 1907. The rights and duties of neutrals were clarified, and a convention was adopted by the Powers, "that hostilities should not commence between them without a previous and unequivocal warning which shall have the form either of a declaration stating the causes of the war, or that of an ultimatum with a conditional declaration of war." [12]

The accomplishments of the first Conference comprised, in all, three conventions, three declarations, a resolution, and six "wishes," five of these agreements having to do with the conduct of war. The Conference of 1907 adopted altogether 13 conventions and one declaration, all dealing with the conduct of war except those directed toward the peaceful settlement of disputes and the prohibition of the

[12] Hull, op. cit., p. 263.

forcible collection of contract debts. Further regulation of the rules of warfare, especially regarding the transfer of ship registry, was accomplished in the Declaration of London of 1910.

The greatest achievements of The Hague, aside from the field of arbitration, were thus largely a codification of the existing international laws concerning warfare. The few more radical recommendations, such as the prohibition of aerial bombing and poison gas, were adopted either temporarily or without the support of all the Great Powers.

The Conventions in the World War

Nearly all fared alike, however, during the Great War. It had been expressly stipulated that none of the conventions as to the conduct of war was to be binding upon any belligerent unless ratified by all the belligerents. Not one of the carefully worked out conventions of 1907 had been ratified by all the states on either side of the War, and these regulations were therefore of no authority whatsoever, except in so far as certain states voluntarily bound themselves upon entering hostilities to observe them.

Of the 1899 Conference two important conventions, that upon land warfare and that adapting the Geneva Convention to maritime war, were nominally in force as having been ratified by all the belligerents. Yet few of these regulations were observed where military advantage could be secured by their violation. Germany excused her bombardment of undefended towns in violation of Article 25 by the technicality that the presence of a garrison or of a wireless station constituted a defence, and explained her destruction of Rheims Cathedral in spite of Articles 26 and 27 (Convention on Land Warfare), by

the charge that the building was employed for military purposes.[13] On the other hand, reprisals were sooner or later resorted to by the Allied nations.

According to John Bassett Moore, the breakdown of The Hague Conventions, as of all international law, was no matter for surprise. "There never took place, and never will take place," he tells us, "a contention by force in which the so-called rules of war are not violated. War itself means the killing and maiming of human beings, and, in the passions it excites and the fears it creates, excesses will inevitably be committed."[14]

Summary

We have seen that by 1914 the legislative branch of international government had attained a fairly high development. While international law had never been codified, it covered more or less completely every field of intercourse between states. Serious gaps indeed existed. Labor agreements, for example, had hardly begun; and the subject of extradition still remained confused, especially as regards political crime and its definition. Yet international law was far from nebulous. To time-honored custom and the exact formulations of Rome had been added in modern times countless law-making treaties, for the most part valid only between pairs of nations, but sometimes adhered to by a majority of the Powers. At last came The Hague Conventions, the first body of conscious world-legislation in history.

On the whole, civilized nations have obeyed with

[13] Garner, James W., *International Law and the World War*, vol. I, pp. 419, 434, 465 ff.
[14] Op. cit., p. 295.

considerable uniformity the treaties and legal provisions which related to peaceful intercourse. Those laws which attempted to regulate the conduct of hostilities, however, including The Hague Conventions themselves, have failed utterly to withstand the World War. The more elementary of these rules have been violated by individual commanders without direct authorization; others have been broken deliberately by governments, the most unscrupulous making the first breach and the others following in reprisal. In the words of a Hague delegate, "We should not conceal from ourselves the fact that, war having once become inevitable, the inexorable necessities of the moment impose themselves in such fashion that they often defy rules whose impracticability can be foreseen at the present moment." [15]

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[15] The Roumanian delegate to the 1907 Conference, Hull, op. cit., p. 258.

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CHAPTER IV

THE JUDICIAL BRANCH OF INTERNATIONAL GOVERNMENT

Since nations are essentially sovereign powers, there is but one judicial form possible in international government, and that is the court of arbitration, in which disputes are voluntarily submitted to a judge or judges chosen by the parties concerned.

Arbitration in Ancient Times

The custom of arbitration between nations appears to have reached a considerable development long before international law was recognized. Sumerian inscriptions of 4000 B.C. tell us that the cities Shirpula and Gishkhin called upon the King of Kish to define their frontier. He did so, "under the direction of his own god Kadi," and set up a mark on the boundary.

The Peloponnesian League of the 5th century, B.C., provides that all the member states "shall submit to arbitration on fair and equal terms, *according to their ancient customs.*"[1] Arbitration clauses were frequent in Greek treaties; even without such clauses, it was always in order for a Greek state to offer a recourse to arbitration rather than war, and public opinion looked with disapproval upon a state which declined the offer. The arbitrator chosen was sometimes a third state, sometimes a prominent person such as Simonides or Themistocles, sometimes the Delphic Oracle itself.

The earliest recorded arbitration in Greece was that between Sparta and Messenia in 423 B.C. An

[1] Thucydides, quoted by Botsford, op. cit.

example of a permanent arbitration treaty was that of the Peloponnesian League above mentioned, in which quarrels between members were to be settled by negotiation, or, if that failed, by arbitration.

The general procedure of the Greek arbitral courts was much like our own, each side sending agents to represent it, the arguments being solemnly sworn to by all the parties and the documents duly filed away. The Greeks did not succeed, however, in prohibiting eventual recourse to war, and labored under the same disadvantage as our modern arbitrators in possessing no method of enforcing the award. It may be said in their favor, however, that, while Greek arbitration had to do chiefly with conflicting territorial claims, there was no specific category of disputes excluded from its scope as in most modern treaties; and that, even though an arbitral award was sometimes rejected, the rejection always took the form of a fresh submission to arbitration rather than of war.

While Rome was but one of several neighbor states arbitration flourished as among the Greeks. As the power of the Empire increased, however, international arbitration inevitably declined, for arbitration implies legal equality, an impossibility between ruler and subjects. Nevertheless we owe to Rome both the name *arbitration* and the greater part of its procedure, for private arbitration, or the referring of a dispute to a selected third party, was prevalent even in the Empire. This procedure was eventually crystallized under Justinian, an entire section of the Pandects being devoted to it.

Mediæval Arbitration

With the break-up of Rome the legal equality of states again emerged and with it the custom of arbi-

tration; moreover, the turmoil of the time created great demand for the peaceful settlement of disputes whenever rulers wearied for a time of the struggle. Natural arbitrators were at hand in the feudal lords, whose offices were frequently requested in connection with the contests of the barons. The kings of England and France were often selected as arbitrators, St. Louis of France being especially in demand because of his known uprightness of character. In 1264 Henry III of England obtained judgment from Louis in the course of a long dispute with his barons, a judgment satisfactory to Henry, but not to the barons, who refused to be governed by it. Sometimes the doctors of a university acted as arbiters, or even the Parliament of France.

Throughout the period of theocracy, however, the logical adjuster of quarrels was the Pope, less often the Emperor, as kings were seldom desirous of encouraging too evidently the claims of the latter toward universal dominion. The Pope possessed authority as an arbitrator unique both in its powerful supernatural sanction and in its theoretical removal from every temporal bias. Hence we find Alexander III, Gregory XI and other Popes and bishops often acting as arbiters in international matters. It is to Alexander VI that we owe the division of the New World between Spain and Portugal in 1493, perhaps the first attempt in history to solve the "undeveloped territory" problem, so crucial in modern imperialism. The line drawn by Alexander one hundred leagues west of the Azores, and later shifted to three hundred sixty leagues west of the Cape Verde Islands, gave Africa and eastern Brazil to Portugal, the rest of the Americas to Spain—vast empires both, but now little more than a memory.

With the end of the Middle Ages the theocracy gave way to strong dynastic states, each trusting in its own physical force and caring little for judgment divine or human. Diplomacy, moreover, was becoming highly developed, a method of negotiation by trusted ministers far better suited to the Grand Monarch than was the humble submission of disputes to a third party. Arbitration again sank from view, to be revived once more when modern international law had come into being and the revolutions of the 17th and 18th centuries had shattered the claims of absolutism and reinstated justice as an ideal among states.

Modern Arbitration

The most numerous and important applications of the principles of arbitral settlement in modern times have been made by Great Britain, the first great Power to emerge from absolutism, and the nation whose colonial and maritime interests were most apt to involve her in boundary and damage disputes. A typical case of arbitration was that of the Portendic blockade, in 1842, in which England claimed indemnity for injuries done to her shipping by France in a war with the Moors, by a blockade of which proper notification had not been given. Frederick William of Prussia was selected as arbitrator, and gave a compromise verdict, awarding damages to England, but only for injuries sustained up to the time when notification of the blockade was given to other Powers.

Anglo-American Boundary Arbitrations

An epoch-making employment of arbitration and arbitral commissions was accomplished by England and the United States in the adjustment of the deli-

cate problems remaining at the end of the Revolutionary War. The Americans were naturally inclined toward arbitration, not only because of their saturation with the ideals of the Revolution as against those of the monarchies, but because their experience as colonists fitted them peculiarly for this method. "Accustomed as they were to see intercolonial disputes ultimately settled by judicial process in England, they thought of arbitration as a natural expedient."[2]

England and the new federal republic, still antagonistic from the recent separation, were confronted with a problem of prime importance, the determination of the northern boundary of the United States. The peace treaty of 1783 had settled this boundary on paper only, for the frontier was largely unexplored and an authoritative map was non-existent. By 1794 serious difficulties had arisen between Maine and Nova Scotia, the latter having made grants in land claimed by the former. The cause of the dispute was the St. Croix River, which had been designated in the treaty as the boundary, but which proved almost impossible of location. Two streams bearing Indian names were each said to have been called the St. Croix by early French explorers, but the territory lying between these rivers totalled between seven and eight thousand square miles. The puzzle was nearly hopeless of solution, and the consequences menacing; but the Jay Treaty of 1794 agreed to submit the matter to arbitration, or, more strictly speaking, a commission of inquiry. This commission of three private persons conducted careful investigation as to the identity of the St. Croix River and arrived at a conclusion midway between the rival claims.

[2] Carl Russell Fish, *American Diplomacy*, p. 22.

The St. Croix, however, was only one of many puzzles connected with the northern boundary, and the Treaty of Ghent in 1814 attempted to settle the entire problem through three commissions entrusted with separate sections of the line. A large proportion of the boundary was quickly established, but certain other portions, the northeastern and that from Lake Huron to the Lake of the Woods, defied the efforts of the commissions. The King of the Netherlands was asked to arbitrate, but his award of 1831 failed of acceptance by either side, as he gave up all attempts to interpret the original treaty and drew a compromise line of his own. Not until 1842 was the delimitation to the Rocky Mountains actually accomplished, this time by the direct negotiations of Webster and Lord Ashburton, the conclusion being considered in England unduly favorable to the United States, but nevertheless loyally accepted.

Damage Awards

The question of damages after the Revolutionary War furnished other cases for arbitral awards. The Jay Treaty provided for a commission to settle the matter of debts payable to Englishmen and confiscated during the war, and for another to adjust claims, on the one hand, for damages to American shipping by the British and, on the other, for injuries inflicted upon the British by French cruisers fitted out at our ports. The former was unable to come to any agreement, leaving the matter to be settled later by special treaty, but the latter succeeded in arriving at awards to Americans of over eleven millions and to British claimants of $143,000.

A special set of complications arose during the War of 1812 in connection with the institution of

slavery, since fugitive negroes often fled to British territory or were captured and liberated by British cruisers. A portion of these claims were arbitrated by the Emperor of Russia in favor of the United States and the remainder settled by a joint commission in 1853.

The series of arbitrations and arbitral commissions just noticed is rightly considered as epoch-making in international government, for chiefly through its means two nations were carried from conditions rife with seeds of war into the beginning of the hundred years of peace. The War of 1812 had, indeed, intervened, but that conflict was notorious for its settlement of nothing and served only to create new work for arbitration.

The Alabama Claims

Important as were the various cases up to 1870, not one had touched upon a matter of national honor. The famous Alabama Claims belonged, however, to a class of disputes that is usually considered to yield to war alone. The controversy involved the violation of its duties as a neutral by the British government during our Civil War. Several vessels, notably the Alabama, had been equipped in British ports by the Confederate States and succeeded in inflicting serious injury upon our commerce. Damages were claimed by us, not only for the direct harm sustained, but for indirect loss through the changing of a number of ships to the British registry.

Lord Russell claimed "that the construction of British statutes could never be submitted to arbitration, that the question involved the honor of the country and so was not appropriate for arbitration."[3] Sumner, on the other hand, obtained popu-

[3] Fish, op. cit., p. 340.

lar approval in America by demanding the enormous indemnity of two and a half billion dollars. Even when a group of brilliant diplomats in 1871 had concluded the Treaty of Washington, submitting to arbitration not only the Alabama Claims, but the fisheries and remaining boundary questions, feeling continued to run high in both countries. Our government instructed its counsel to insist upon damages for the indirect loss caused by the transfer of registry. England considered this instruction an act of bad faith; America made it a point of honor. Yet the tribunal, composed of five arbitrators selected by the rulers or presidents of England, the United States, Italy, Switzerland and Brazil, triumphed over all obstacles. It announced that it would not consider the indirect claims; it based its decisions strictly upon the three rules previously laid down in the Treaty of Washington regarding the responsibility of neutrals; it finally awarded to the United States an indemnity of fifteen and a half million dollars, small compared with Sumner's demands, but excessive according to English authority even now. "There is no doubt," says Sir Frederick Pollock, "that the damages awarded were excessive, inasmuch as there ultimately remained in the treasury of the United States a balance for which no claimants were forthcoming."[4]

The Delagoa Bay Case

While no other arbitral case aroused national emotions as did the Alabama Claims, yet the last quarter of the nineteenth century saw a great extension of the field of arbitration, due largely indeed to the successful adjustment of that case itself. Great

[4] Op. cit., p. 33.

Britain continued to furnish the largest number of instances.

In 1875 the important Delagoa Bay controversy between England and Portugal was arbitrated by Marshal MacMahon, President of France. Portugal had long claimed a large portion of Africa, basing her claim upon explorations in the sixteenth century in that part of the New World awarded to her by the early arbitration of Pope Alexander VI. Her authority had weakened in various quarters, however, and an English captain had taken advantage of this fact by concluding treaties of allegiance with several chiefs in Delagoa Bay. The French president called attention to previous acknowledgments of Portuguese authority in this region by England and to the legal incompetence of dependencies of Portugal to conclude foreign treaties, and accordingly made his award completely against Great Britain.

The Venezuela Boundary

The Venezuela boundary dispute owed its importance to the narrowness with which it escaped plunging us into war with England. This controversy, too, was connected in its origin with the demarcation of the hemispheres by Pope Alexander, but depended immediately upon the undetermined line between the Spanish settlements of Venezuela and the Dutch of Guiana, whose territory had been ceded to the British. After long friction Venezuela requested the help of the United States, and at the suggestion of President Cleveland Congress recommended arbitration, to which England refused to submit except within fixed limits. It appeared to Cleveland, however, that the dispute involved the Monroe Doctrine, "that, in accordance with the non-colonization

pronouncement of Monroe, the boundaries of foreign colonies in America had become fixed, that they were determinable by judicial process, and must be so determined."[5] Accordingly he dispatched to England an extreme statement of the Monroe Doctrine, coupled with a demand for full arbitration. War with Great Britain seemed nearer than at any time since 1812, but after a year of diplomacy England agreed to arbitrate with Venezuela on condition that her own rule be adopted by the arbitrators. The decision of the tribunal was a compromise tending to the side of Great Britain; and a similar dispute between that nation and Brazil was submitted to arbitration in 1901 without friction.

Fisheries Problems

Meanwhile England and the United States continued to employ arbitration as a matter of course for the settlement of their own rival claims. The fisheries dispute arising out of the Treaty of Washington in 1871 was decided in favor of England by two out of a commission of three, the American representative dissenting. Our government protested this decision, but paid the award of five and a half million dollars, the President stating that this was done "as an evidence of the American government's desire to place the maintenance of good faith in treaties and the security and value of arbitration between nations beyond question."[6] Not till 1908 was the fisheries question definitely settled.

A separate fisheries problem was that concerning the seals in Behring Sea. The United States had made careful regulations for their preservation, which were frequently violated by Canadian seal-hunters outside the three-mile limit. An attempt

[5] Fish, op. cit., p. 392.

[6] Morris, op. cit., p. 73.

was made to extend our jurisdiction over the whole of Behring Sea, a claim quite out of accord with our general policy regarding freedom of navigation in rivers and bays, and several British vessels were seized. Arbitration was finally decided upon, and the award, in 1892, turned entirely against the United States. Regulations were adopted for the protection of the seals, but these proved ineffective, and the matter was not finally adjusted until the joint treaty of 1911 was concluded with England, Russia, and Japan.

Further Boundary Settlements

Boundary problems, moreover, had not all been settled by the Webster-Ashburton Treaty. There were certain islands in Puget Sound whose ownership was a constant cause of dispute until the Treaty of Washington, in 1871, referred the matter to the arbitration of the German emperor, whose award was given in favor of the United States. Last of all there remained the boundary of Alaska, which had been defined only ambiguously in the Russian treaty of 1825. The dispute was referred to an arbitral commission of three citizens from each nation without an umpire, which failed to come to a unanimous decision. The English Chief Justice upon the commission supported the three Americans, however, and this majority award was accepted in spite of the dissatisfaction of Canada.

Thus before the end of the nineteenth century arbitration had become an established factor in world government. During this century the United States had been a party to fifty-three executed arbitral agreements, and the President or his appointee had been the arbitrator in five cases. The most conspicuous arbitrating nations, Great Britain and the

United States, had received awards sometimes favorable, sometimes adverse. Several were obeyed under strong protest; at least one judgment, that of the King of the Netherlands regarding our boundary in 1831, was set aside by both parties because the arbitrator had exceeded his powers; but seldom if ever was a regular arbitral verdict disregarded.

Arbitral Procedure

The judiciary branch of international government, moreover, had developed a fairly definite organization. To be sure, there was no permanent international court and no universally accepted legal code upon which to base judgment. Yet the arbitral tribunal was a genuine court while it existed. T. W. Balch cites many authorities in making the distinction between a mediator, whose office is to reconcile by compromise, and an arbitrator, whose duty is to solve a question of law or fact concerning which the parties are in disagreement, and "to find, from the documents produced, who is wrong or who is right."

"Mediation," says John Bassett Moore, "is merely a diplomatic function."[7] A typical instance of mediation was the action of Pope Leo XIII in 1885 in proposing terms to Germany and Spain for the adjustment of a controversy relating to the much-discussed island of Yap.

A mode of settlement less formal than arbitration and more conclusive than mediation is that of friendly composition, as when the United States and Chile in 1909 submitted a dispute to the King of England with authorization for non-judicial settlement.

An arbitrator is an actual judge, though a temporary one, and he is expected to point out "in what manner international law is applicable to a given

[7] Balch, Thos. W., *International Arbitration,* pp. 13-17.

case, which is the cause of a disagreement between the parties. The states which accept arbitration recognize by that very thing . . . that their difference is susceptible of being settled by the rules of international law, either general or conventional."[8]

This distinction between arbitration and mediation was forcibly brought out in the setting aside of the award of the King of the Netherlands previously mentioned. Despairing as to the location of the exact boundary set forth in the Paris Treaty of 1783, the King offered a compromise line giving the United States 7,908 of the 12,000 square miles of disputed territory and Great Britain 4,119. Both sides, however, refused to accept the award. "It was not truly a sentence," says Renault; "the arbitrator had not fulfilled his mission, which was to judge, and he had done what was not asked of him; in truth, he had assumed the rôle of a spontaneous mediator, proposing a friendly solution of the difference."[9]

Notwithstanding the generally accepted background of international law, however, a precedent was set in the Alabama Claims of laying down in the arbitration treaty the specific judicial principles which should govern the decision. The successful outcome of the case was materially helped in this way, and, in spite of the proviso that these principles should not be regarded as a declaration of international law, they came to be accepted as a statement of the duties of neutrals and were finally incorporated in the Hague Conventions.

The Personnel of Arbitration

The mediæval method of arbitration by one prominent person, usually a foreign monarch, survived

[8] Rolin Jaequemyns, quoted by Balch, op. cit., p. 12.
[9] Quoted in Balch, op. cit., p. 13.

through the nineteenth century, being employed more than a dozen times during the latter half of this period. As has been mentioned, the German Emperor decided a lingering boundary dispute of our own in 1871, and as late as 1902 King Edward VII judged between Chile and Argentina. The modern arbitrator, however, is more often a court or commission of two or more persons, the one essential being that the court contain representatives of both sides. The membership may consist of merely these representatives in equal number, or of these plus one or more additional persons, chosen either by the representatives themselves or by some foreign Power. The second method is the more frequent, because of the possibility of deadlock among an even number of judges belonging to opposing sides. This difficulty would have occurred in our own Alaska boundary case of 1903 had not the British representative, Lord Alverstone, adhered to the American position as against his Canadian colleagues.[10]

During the nineteenth century the number of arbitration cases had doubled for each successive decade; in the closing years of the century arbitration was in the air; and it was not surprising that the Hague Conferences, called originally, like the Washington Conference of 1921, in order to discuss disarmament, should abandon the problem completely and make their chief contribution in the recognition and systematizing of international arbitration.

The Hague Convention for Pacific Settlement

The Hague Convention for the Pacific Settlement of International Disputes was adopted in 1899 and revised and enlarged in 1907. After a general agree-

[10] Pollock, op. cit., p. 35.

ment of the Powers, "with a view to obviating, as far as possible, recourse to force in the relations between states . . . to use their best efforts to ensure the pacific settlement of international differences," the Convention offers three devices for such settlement,—Good Offices and Mediation, International Commissions of Inquiry, and International Arbitration.

Good Offices and Mediation, treated by the Convention as synonymous, were not novel devices, having been suggested to the Powers at the Congress of Paris which concluded the Crimean War. A general offer of mediation appeared also in the American treaty with Japan of 1858. No state had requested mediation, however, in the forty years previous to 1899, and the proffer of good offices was sometimes regarded as impertinent. There was decided value, therefore, in the recognition of such services by the Conference as expedient and desirable, even during the course of hostilities, and in the declaration,—"The exercise of this right can never be regarded by one or the other of the Parties in conflict as an unfriendly act."[11] The office of mediator is then defined as that of "reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance."[12]

The Employment of Mediation

Mediation has been employed but sparingly, in spite of the Hague recommendations. On the one hand, an abnormally sensitive national honor has prevented a state from requesting mediation when it would be most welcome, at a moment of defeat,

[11] Article III, Title 2.
[12] Article IV, Title 2.

and, on the other hand, the exaggerated courtesy of diplomats has inhibited any desires they may have had to check the mutual destruction of their neighbors. One instance can be cited in which the Hague recommendation was successfully followed, the action of President Roosevelt in terminating the Russo-Japanese War,—a case of good offices rather than mediation. America was not the first power to consider the attempt, as mediation had some time previously been suggested in England to Lord Lansdowne. The British statesman hesitated, however, on the ground that neither side was at that time ready to accept good offices. It was not till after the decisive naval victory of the Japanese that Roosevelt offered his services to the winning side with a success which may have been due as much to the unsophisticated daring of American diplomacy as to the fortune of the psychological moment.

A second great opportunity for mediation was presented to the world in July, 1914, and was lost. What might have been accomplished we can never know. Germany and Austria, to be sure, gave general acceptance to the principle of mediation at the outset; yet, when England later suggested joint mediation by the four powers not yet involved, Germany held aloof. Neither America nor any European power ventured to offer its independent services. In the opinion of Sir Thomas Barclay the great failure was due no more to the probable absence of sincere desire for mediation on the part of Germany than to the "want of a totally independent mediating power." [13]

The Commission of Inquiry

The second device recommended by the Hague Convention was that of the International Commis-

[13] Barclay, Sir Thomas, *New Methods of Adjusting International Disputes*, p. 31.

sion of Inquiry, which should act "in differences of an international nature involving neither honour nor vital interests," and "as far as circumstances allow . . . facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation." [14] Careful details were laid down by the First Conference for the procedure of such a commission, and considerably revised and enlarged by that of 1907.

In spite of the extreme cautiousness of this recommendation,—the expressions "as far as circumstances allow" and "involving neither honour nor vital interests,"—the Commission of Inquiry was actually invoked with success in a difficulty of historic importance, "involving not only the 'national honour,' and felt to involve it from one end of Great Britain to the other, but also a British interest of the most vital character in the safety of the high sea." [15]

This was the Dogger Bank incident during the Russo-Japanese War, in which the Russian fleet fired upon British fishing-boats, thinking them to be Japanese men-of-war, occasioning the death of two men. Since the Russian government attempted to excuse the injury and would not acknowledge responsibility, the case was not deemed a fit subject for arbitration, a method considered to apply merely to the fixation of the amount of acknowledged damages. An International Commission of Inquiry was therefore appointed in accordance with the Hague Convention, to include four naval officers of high rank, one each from Russia, England, France and the United States, with a fifth to be elected by these. The Commission was empowered only to pass

[14] Article IX, Title 3.
[15] Barclay, op. cit., p. 94.

upon the questions of fact, particularly "the question of where the responsibility lies, and upon the degree of the blame affecting the nationals of the two High Contracting Powers or of other countries."[16] The Commission discharged its duties most satisfactorily; the responsibility was found to rest upon Russia, and England eventually obtained heavy damages paid to the injured fishermen or their families.

The Convention on Arbitration

The fourth title of the Hague Convention, On International Arbitration, while instituting no new method of settlement, created convenient standing machinery for the employment of arbitration and gave the seal of international approval to the procedure developed during the nineteenth century. Arbitration, the object of which is "the settlement of difficulties between States by judges of their own choice, and on the basis of respect for law, . . . is recognized by the contracting powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle."[17] "Recourse to arbitration implies an undertaking to submit in good faith to the Award."[18]

The Permanent Court of Arbitration

The Convention then proceeds to the establishment of the Permanent Court of Arbitration, consisting of a panel of judges "of known competency in questions of international law" and "of the highest reputation." These are to be chosen for a six-year term, no more than four by each Power, but the

[16] Government Declaration, quoted in Barclay, op. cit., p. 95.
[17] Articles 37-38.
[18] Article 37, 1907 text.

same judge may be selected by more than one Power. The judges are to remain at home till called upon, and are to receive compensation only while on active duty. Parties employing the Permanent Court must choose their arbitrators from this list, the procedure recommended being that two judges, of whom only one may be its own national or representative, be chosen by each side. The umpire is to be elected by these arbitrators together, the usual elaborate regulations being given in case of inability to agree upon the umpire.

Notwithstanding the provision of machinery for arbitration, no attempt was made by the Conference to force a recourse to this machinery; powers were at liberty to appoint special tribunals if they preferred, and were encouraged to conclude special arbitration treaties with one another.

The International Court of Arbitral Justice

A greater approximation to a regular judiciary than this very elastic court was undertaken by the second Hague Conference in the attempt to establish the International Court of Arbitral Justice, supplementary to, but not superseding the Permanent Court of Arbitration. This tribunal was to hold regular yearly sittings, at which three judges taken from the panel were to serve. Two additional judges were to be nominated in each case as assessors. Awards would thus be determined by "judges not appointed for the particular case to be decided, but selected at the time of constituting the court." [19]

The Supreme Court of the United States evidently furnished the ideal for the Court of Arbitral Justice, the hope being felt that the latter would eventually develop into a similar court, having international

[19] J. B. Scott, *Status of the International Court*, p. 9.

jurisdiction, but allowing ease of access and continuity in decisions. The project remained on paper, however, as did that of the International Prize Court, also attempted in 1907. The insistence of the smaller states upon equal rights in the appointment of judges rendered the establishment of the court impossible.

Record of the Hague Court

The original Permanent Court of Arbitration, however, opened its doors in 1901, with 130 judges from the various contracting powers, and it soon established itself as the customary medium of arbitration. Up to the period of the World War seventeen states in all had submitted cases to the Hague Court, France being a party in six, Great Britain in five, the United States in four, and Germany and Italy in three each. Sixteen cases in all were submitted. At least two of these were of serious character, the Casablanca Incident (1909), in which certain deserters from the French "foreign legion" obtained passports as German citizens and were protected by persons in the service of the German Consulate at Casablanca, Morocco, and the North Atlantic Fisheries Dispute (1910), which dealt with the privileges of American fishermen in the use of British coasts and harbors. None of these approached the Alabama Claims in war-averting importance, however, and it is noted by Sir Thomas Barclay that of the six wars since the foundation of the Court, the South-African, Russo-Japanese, Turco-Italian, Turco-Balkan, Inter-Balkan and the Great War, none has arisen over an arbitrable dispute. England would not have agreed to arbitration in the first, or Italy in the third, and the Serbian

offer in 1914 to refer the Austrian ultimatum to the Pope was ignored.

Although the Hague Court was inoperative during the World War, arbitration was resumed in 1920. In September of that year a special tribunal, using the Carnegie Peace Palace for the first time, adjusted the claims of Great Britain, France and Spain arising out of the Portuguese Revolution of 1910.

Arbitration Treaties

While arbitration was already an established institution at the time of the first Hague Conference, the standing arbitration treaty had just begun to appear. In 1896 an Anglo-American treaty had been negotiated under Lord Salisbury, this being followed by a similar treaty between Argentina and Chile. Neither of these, however, had been ratified, and the encouragement of such agreements by the Hague Conferences marked a really new epoch. By 1910 as many as ninety treaties for international arbitration were communicated to the Hague, and one hundred were in force at the beginning of the War.

The typical treaty of this period is that of 1903 between England and France, "that differences between the two contracting parties of a judicial order or relative to the interpretation of existing treaties, which it may not have been possible to settle by diplomacy, shall be submitted to the Permanent Court at The Hague."[20] This agreement formed the model for a number of other standing treaties, an important matter in view of its exclusion from the arbitral sphere of questions involving "the vital interests and independence or honour" of either state. The elasticity of these terms of exclusion sup-

[20] Barclay, Sir Thomas, *The Hague Court of Arbitration*, p. 308.

plies an explanation of the small part played by the Hague Court in actual prevention of war.

Vital interests is a somewhat indefinite category. According to Barclay, "A vital interest, in short, is an interest of such importance that disregard of it might involve a diminution of a nation's rights in general or of its power to vindicate them."[21] He gives as an example of a problem involving vital interests a dispute as to the movements of a ship of war. "By independence is meant matters affecting internal administration;" an example which might be given is the Austrian demand upon Serbia regarding the Sarajevo trials. Either of these exceptions offers many loop-holes for the evasion of recourse to the Court.

National honor, however, is of all exceptions the most convenient. Barclay cites as a case clearly involving national honor the insulting of the flag, though the amount of indemnity to be paid after the acknowledgment of wrong lies in the field of arbitration. It is evident that any grievance at all may be interpreted in a moment of excitement as affecting national honor, and that such matters as the Alabama Claims would regularly be excluded from treaties of this model.

South and Central American Treaties

Perhaps the most advanced arbitration treaties thus far concluded have been undertaken by the states of Latin America. The first Pan-American Conference was held in Washington in 1889, at the initiative of the United States, and a plan for compulsory arbitration was arranged to include all cases except those imperilling national independence. This

[21] *Ibid.*, p. 310.

plan never achieved ratification, and the Conference as such failed of any very vital effect.

In 1902, however, Argentina and Chile concluded an arbitration treaty covering all cases without distinction, and in 1907 the Central American states succeeded in establishing such a close arbitral union as to be considered in some degree a precursor of the League of Nations. Although the Central American Union was brought about largely through the friendly offices of the United States, it is to be regretted that its disintegration also came about chiefly through our agency. Nicaragua concluded the Bryan-Chamorro Treaty with the United States by which Costa Rica and Salvador considered their rights to be violated. The dispute was referred to the Court of Justice of the Union and decided against Nicaragua, a decision which, under the encouragement of the United States, she refused to recognize. The Union therefore lapsed, a new treaty of a more conventional type being concluded under United States influence in February, 1923.

The United States and Arbitration Treaties

Though between the Jay Treaty and 1904 the United States had been a party to seventy-six arbitration cases, we were almost without standing treaties at the close of the second Hague Conference, possessing arbitral clauses only with Mexico and other Latin-American states. After 1907 such treaties came rapidly into being, as many as twenty-five being concluded by Secretary Root in one year. All these, however, were of the 1903 type, excluding vital interests, honor and independence, as well as certain interests of third parties. Several of these treaties, moreover, followed the Anglo-French in providing for a special agreement to be negotiated

in connection with the individual case, as in the Alabama Claims, and in 1908 arbitration was made still more cumbersome by an amendment requiring the consent of the Senate to such an agreement. Since most of our arbitration cases since 1794 had been negotiated under executive agreements rather than formal treaties, arbitration was in 1914, says John Bassett Moore,[22] more difficult than in the time of Jay.

President Taft in 1911 attempted to negotiate more satisfactory treaties, but these failed of ratification, and no further progress was made till President Wilson's administration, with Bryan as Secretary of State.

The Bryan Treaties

The Bryan Treaties, thirty in number, were based, not upon arbitration in the strict sense of the word, but upon the commission of inquiry. The treaties provide that disputes "of every nature whatsoever, which diplomacy has failed to adjust and where recourse is not had to arbitration, shall be referred to a permanent commission for investigation and report," pending which there shall be no hostilities. This commission is to be composed of five members, one from each nation, one from a foreign nation chosen by each, and a fifth to be chosen by the two nations together. It was unique among arbitral groups until the formation of the League Permanent Court in that it was not selected for the occasion, but a body "created in advance of the dispute or existing at its outbreak." The commission is expected to tender its services automatically without waiting to be invoked by an excited nation. A year must be allowed for the rendering of the report, and

[22] *Address on International Arbitration*, 1914.

after that time action may be taken freely. The expectation is, however, that in most cases the lapse of this period of time, together with the clarifying influence of the discussion and report, will have removed all desire to rush into hostilities.

The Bryan treaties possess therefore no finality of decision; their advantages lie in their automatic character, their inclusion of non-justiciable questions, and the ease with which the permanent commission may be employed as a supplement to diplomacy and good offices or as a preliminary to arbitration.

The conception of such a commission, says James B. Scott, was not derived from the Hague, but from the form of settlement often advocated in labor disputes. Bryan had suggested the plan first in "The Commoner," in 1905, and had submitted it to the British Premier and other statesmen in his trip around the world. He later presented the idea to President Taft, who incorporated a part of it in his unratified treaties; but it was not until the administration of Wilson that Bryan, as Secretary of State, was given a free hand to carry out his policy. The first treaty was negotiated with Salvador in 1913, and twenty-nine others were put through in that year and the next. Only twenty-nine in all were ratified by the Senate and only twenty proclaimed by presidential decree. The agreement with Great Britain was not completed till November, 1914, and Austria, Belgium and Germany endorsed the plan but did not conclude treaties. A tripartite arrangement among Argentina, Brazil, and Chile was negotiated in 1915 upon the same model.

Owing to the unfortunate exceptions in the nations accepting the Bryan treaties with the United States, it is impossible to know whether or not they could

have served to avert our participation in the World War. Sir Frederick Pollock is doubtful as to the value of these, as of all arbitration treaties, in extreme cases. "A State whose rulers hold that the obligation of nations is overridden by so-called military necessity . . . will observe a treaty providing for reference of disputes to an arbitrator for award, or to a joint commission for report or for putting off the outbreak of hostilities in any way whatever, just as much and as little as any other agreements." [23]

Summary

Upon the whole, the judiciary branch of world government was well established by the time of the Great War. Not only was there in existence adequate machinery for the adjustment of every class of dispute, but a large number of cases were already on record where arbitration and its variants had been employed with satisfaction. Seldom, if ever, had the award of a tribunal been disputed or defied. Scores of treaties were in force for the reference of disputes to arbitration.

The fact remains, however, that the Alabama Claims marked the zenith of actual arbitration, and the Dogger Bank decision that of the Commission of Inquiry. Notwithstanding the Hague Courts, the standing treaties, and the multiplicity of recorded cases, the methods of arbitration were largely ignored by the Powers in all controversies of a really serious character, and the first two decades of the twentieth century, instead of ushering in an age of peaceful judgments, have been conspicuous for recourse to the arbitrament of arms. The reason for this anomaly is obvious, and lies in the customary

[23] Op. cit., p. 40.

exception from the arbitral field of just those cases which are likely to produce war. Except for the untried experiment of the Bryan treaties, no escape from this dilemma had been offered,—although, according to President Lowell, in only one war since 1850, the Spanish-American, can a justiciable dispute possibly be claimed as the cause of the controversy.[24]

It is apparent, however, that the anarchy of the period just passed through cannot be laid to the failure of either arbitration or the commission method, or even to the lack of satisfactory and convenient machinery for both. Courts have existed with a record of justice in their decisions of not far from 100 per cent, in so far as justice can be measured. It is fair to ask whether the frequent recourse to arms of the last twenty years has been occasioned by a fear of the inadequacy or of the too great adequacy of arbitral justice.

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CHAPTER V

THE EXECUTIVE BRANCH OF INTERNATIONAL GOVERNMENT

Although international legislation reached a high development in the various conventions of the latter nineteenth century and early twentieth century, and although the international judiciary presented in the Hague Courts and special tribunals a consistent and authoritative organization, the international executive at the beginning of the World War was still weak and confused. The ultimate law-enforcing power was war, to be initiated independently or in alliance by sovereign states, and the accepted medium for securing international results was understood to be diplomacy, or "armament speaking with a soft voice." Only in certain limited fields, where no real clash of interests existed, and where exact regulation was to the advantage of all concerned,—fields perhaps analogous to the domain of the traffic squad in national life,—had any executive emerged comparable in development to the legislative and judiciary departments.

Public International Unions

There existed, in 1911, according to Paul S. Reinsch, forty-five public international unions composed of states, thirty of these being provided with administrative bureaux or commissions. He classified them under the general headings of Communication, Economic Interests, Sanitation and Prison

Reform, Police Powers, and Scientific Purposes. L. S. Woolf groups public unions according to their degree of organization:—first, Permanent Deliberative or Legislative Organs working in Conjunction with Administrative Organs such as the Universal Postal Union; second, Periodic Conferences in Conjunction with Permanent International Bureaux or Offices, an example being the International Union of Railway Freight Transportation; third, Conferences and Conventions with the Object of Unifying National Laws or Administrations, such as the Latin Monetary Union; and fourth, Special International Organs of a Permanent Character, such as the Sugar Commission.[1]

The Universal Postal Union

The Universal Postal Union is the standard organization of this type, remarkable for its parallelism in the international field of a recognized department of the national executive as represented in the national cabinet. Although the nationalization of postal systems had become fairly complete by the beginning of the nineteenth century, anarchy still reigned among international mails. Rates varied according to the routes employed so greatly that a letter going from the United States to Australia might be charged anywhere from five cents to $1.02 per half ounce; if, on the other hand, it was marked via a certain route, weeks of unnecessary delay might be caused by the missing of an infrequent mail at an intermediate point. Charges were high at best, weights and currencies differed, and elaborate bookkeeping was required between the countries. Beginning with 1802 one postal treaty after another was concluded by pairs of states without effecting great

[1] Woolf, *International Government*, pp. 159-161.

improvement. In 1863 a Conference met at Paris, which agreed upon various unifying principles, but not till 1874 was the General Postal Union organized at Berne, composed of twenty-two states, including the late enemies of the Franco-Prussian War. In 1878 the Congress met again, this time as the Universal Postal Union, with thirty-two members, votes having been given to Canada, British India, and other colonies of the Great Powers. The organization is at present regulated by the Convention of 1906, adopted by the Congress of that year at Rome.

The Universal Postal Union is a practical body, divorced by an infinite distance from the considerations of etiquette and veiled force which characterize the usual diplomatic conference. It consists of a permanent Bureau stationed at Berne, which transacts the vast business of the organization, and of a Congress, meeting usually once in five years, which holds undisputed sway over the postal regulation of the world. The expenses of the Permanent Bureau are defrayed by the member states in different proportions, according to their division into seven classes, each contributing a certain number of units. These classes are important in that they have been adopted by subsequent administrative bodies as a method of apportioning international quotas. The expense of actual mail transportation is based upon the net weight carried, the mails in transit being weighed during four weeks every six years. The Bureau acts as a clearing-house for the postal administration accounts of the various countries, the volume of the clearings in 1907 amounting to 76,916,000 francs. The Constitution of the Union includes a Convention, which deals with the general principles of the organization and the more important details, and a Règlement, which provides for the

remaining details. An interesting feature is that the Congress has power to modify and amend not only the Règlement, but the Convention itself.

The Universal Postal Union has not been immune from problems, chief among these being the problems of equality and sovereignty that must be solved in every attempt at international government. Every state is given a theoretical equality in the Congress; but this equality is tempered, first, by the strengthening of the Imperialist nations through the added votes of their colonies, and second, by the delegation of a large amount of preliminary authority to committees, of which the Great Powers hold the controlling membership. The sovereignty of the constituent states also is maintained in theory, the decisions of the Congress being subject to ratification by the power concerned, and in important matters requiring unanimous consent. In practice, however, the unanimity requirement applies only to the amending of the Convention in the intervals between Congresses, and the Congress habitually puts its decisions into effect without waiting for any ratification. "It is true," says Woolf, "that in theory the delegate might refuse to sign the Convention, or even if he signed it his government might refuse to ratify it. In practice, neither of these courses is ever contemplated, simply because our governments have accepted International Government for this department of life.[2]

Telegraphic Unions

Although the postal system did not achieve internationalization until the world had long suffered from nationalist confusion, the telegraph and the wireless were organized on an international scale

[2] Op. cit., p. 194.

almost as soon as they were introduced, largely because of their intrinsic universal character. The International Telegraphic Union, instituted nine years before the Postal Union, is similar to it in most respects. The governing convention, however, contains no details but only general principles, the details being wholly included in the Règlement, and the Telegraphic Conference, unlike the Postal Congress, has power to revise only the former. The Union has complete international control over such matters as the provision of apparatus necessary for rapid transmission, the hours during which telegraphic offices shall be open, the form and classification of telegrams, and the telephonic service. The United States is not a voting member of the Telegraphic Union, as the fact that only a small portion of our lines is under Federal control keeps the government from being in a position to insure the general acceptance of the rules of the conference.

The establishment of *Submarine Cables,* while not directly connected with the Telegraphic Union, brought about an interesting development of world government. Such cables have always been liable to injury by fishermen and dredgers, but the punishment of offenders was extremely difficult; as the high seas are international territory and it was seldom that a government vessel of the cable-owning country was at hand. A convention was signed in 1884, however, by thirty states, requiring certain precautions to be observed by boats in connection with cables, and making wanton or careless destruction of the latter a punishable offence in each nation. Most radical provision of all, the commissioned ship of any signatory state is empowered to arrest anywhere on the high seas a ship suspected of offending and to turn it over for trial to its own national courts.

Here we have a close approach to the institution of international police.

The wireless telegraph is by nature a world possession even more than the cable. Immediately after the invention of radio-telegraphy it became clear that messages must be exchanged freely between coast and ships of every nationality whatsoever, if the expected benefits were to be secured. Although Great Britain at first demurred in the hope of building up a world monopoly through the Marconi system, a *Radiotelegraphic Union* was established in 1906 on the general model of the Telegraphic. By the convention and its extension in 1912 all ships and coast stations are bound to exchange messages, no matter what the nationality or the system of installation.

Other Unions

Less extensive developments of international government than the great unions just mentioned are the *Automobile Conference,* the regulations of the *International Maritime Committee,* and the *International Union of Railway Freight Transportation.*

Second only in importance to means of communication are the organizations for economic interests, the *Metric Union,* the *Sugar Convention,* the *Institute of Agriculture,* the unions for the *Publication of Customs Tariffs,* and for the *Protection of Industrial and Literary Property* in trade-marks and copyrights. Of most vital importance of all are the great international organizations promoting public health and morality,—the *Sanitary Union,* the *Opium Commission,* the *Prison Congress,* the *Conferences for the Suppression of the Slave-Trade and Liquor Traffic in Africa,* and the *Union for the Repression of the White Slave Trade.* All these are actual

unions of states, the enumeration taking no account at all of the multifarious voluntary groups which, according to Woolf, have in many cases "elaborated organs and systems of International Government." [3]

The list is an impressive one, and the history of international unions shows on the whole no more checkered career than does that of the national organizations of the same type. It must be remembered, however, that the advantage to the individual nations has in every case been obvious as affecting the entire community. Every civilized person may at any time be injured by abuses of the postal or telegraph systems, by the failure of international sanitation, or the neglect of ships to answer a radio message. On the other hand, in few if any cases has the organization run counter to the interests of any one nation or of any large exploiting group within a nation. The Marconi monopoly, for example, was not sufficiently established in 1906 to stand against the safety of British commerce as a whole. The test of international government comes in a clash between real or fancied vital interests or powerful business groups.

International River Commissions

More difficult than the simple union of communication is the international river commission, in that it involves a distinct relinquishment of territorial sovereignty on the part of the riparian nations. The need for such commissions is evident wherever a navigable river runs through or between several states to the sea. Aside from the injury to commerce that could result from oppressive tolls or exclusions on the part of the lower countries, there are

[3] Op. cit., p. 311.

matters where cooperation is absolutely necessary for efficient regulation, such as channel improvement, licensing of pilots, the rules of the road, and the diversion of water power. The Council of Vienna laid down the general law of free navigation for international rivers, but even before that time the *Rhine Commission* had been set up by France and Germany, a commission which endured through various treaty modifications until the Great War.

The *Danube Commission,* dating from 1856, while of equal commercial importance, marks a more unusual departure in international government in that it is controlled by the Great Powers rather than the industrially backward riparian states. The commission is also unusual in that, unlike the typical international union, it does not require unanimity in its decisions, a majority being sufficient except in "fundamental matters of principle." Its derogations from sovereignty have been justified by its success in shortening the river-course, deepening the channel, and reducing the navigation dues by more than 50 per cent. The Danube Commission continued to function for the first two years of the War, until Roumania became a belligerent, and it has been revived under the League of Nations with the exclusion of Russia and the Central Powers.

International River Commissions have proved an acknowledged success. As with Public Unions, however, this success has not involved any decided clash of interests. The benefits of cooperation to riparian states are too obvious to be opposed, and even in the unusually constituted Danube Commission the controlling majority were consciously working for their own advantage.

Inter-Allied Control

A recent and dramatic illustration of the tremendous possibilities of an international executive is furnished by the Inter-Allied economic control during the Great War. It is true that it took three years for the lesson of cooperation to be learned, and not until 1917, when, because of the German submarine, "it was possible for the Allies to import only those bare necessities which permitted them to live and carry on the war,"[4] did they take effective action against the absurdity of competitive transportation. "It might happen that a cargo of wheat going from the East to England might pass in the Mediterranean a cargo of wheat going from America to Italy. Neither ship need have entered that dangerous zone at all."[5]

The *Wheat Executive,* representing Great Britain, France, and Italy, was formed in 1917. It employed the simple communist method of ascertaining the requirements of each country, discovering the available supply, and then apportioning it "to each according to his needs." The executive also established agencies for buying and shipping grain and negotiated with the British Ministry for the requisite tonnage.

The tonnage problem itself, however, was quite as serious as that of food, especially after the movement of American troops began to monopolize the available ships. In the fall of 1917 a council was held at Paris, as a result of which the *Allied Maritime Transport Council* was established in February, 1918. Although the nations rejected the plan of complete cooperation by means of a mixed commission and a tonnage pool, much was accomplished by means

[4] Cotter and Morrow, in Duggan, op. cit., p. 50.
[5] *Ibid.*, p. 51.

of recommendations to the various governments. Program Committees and Councils were organized in the course of 1918 which exercised control not only over willing allies, but, willy nilly, over neutrals as well; and these worked with the Maritime Council in the allocation of supplies and the re-routing of oil, wheat and coal to avoid the zones of submarine danger.

Limitations of Inter-Allied Control

Even in their very short period of existence these International War Councils furnished convincing proof of the practicability and advantages of co-operation on a world-wide scale. Their limitations were due but little to the defects of the organizations in themselves, but chiefly, as with other experiments in international government, to the national jealousies and suspicions which, even in a conscious life-and-death struggle, refused to delegate complete control of any vital matter to an outside group. Even such advisory power as was possessed by the various boards was by no nation allowed to extend over the army and navy, though "to the end of the war, the British navy sent some of their own coal to their ships in the Pacific at an almost unbelievable waste of tonnage, for no other reason than that the navy is sacrosanct; and every army piled up huge reserves of food and supplies which were always asserted to be essential to winning the war."[6]

The United States, moreover, "did not accept the results of the Allied councils to anything like the same degree as the Europeans; nor can it be fairly said that the action of the United States was largely influenced by these councils, or that our government

[6] *Ibid.*, p. 62.

listened to their studies of the facts or their plans."[7]

"When one considers that, at this time, when the Allied cause was in sore straits, no country could be found which would give over to an international body complete control of its transport, . . . one begins to realize how difficult international cooperation is going to be in times of peace."[8]

Administrative Commissions

The deep waters of the international executive are not to be reached until the attempt is made to pass beyond the regulation of traffic to the sphere of political administration. Little difficulty has been found where the International Commission existed only for the purpose of collecting debts due the Great Powers from a disorganized state. Such commissions have been instituted at various times in Turkey, Egypt, China, and elsewhere. Cooperation among creditor nations is almost as normal as among creditor firms, and the bankrupt as little likely to bring forward effective obstacles. The case is very different, however, where an international government has attempted to fulfill general state functions, including the administration of justice.

Condominium

Condominium is a simple form of this experiment, by which several powers undertake jointly to rule over an undeveloped or disorganized territory. It has recently existed in the *New Hebrides* and in *Samoa.*

In the latter islands Germany, Great Britain and the United States possessed important interests, and in 1889 concluded a treaty by which the native state

[7] *Ibid.*, p. 61.
[8] *Ibid.*, p. 60.

was left neutral and nominally independent, but the Powers maintained a Supreme Court of Justice for the trial of cases involving foreigners, the presiding judge to be appointed by the three together, or in case of disagreement by the King of Sweden. The chief town was ruled by all three jointly and a tariff schedule was provided for. The arrangement lasted for ten years, marked by jealousies among the civilized nations and civil war among the barbarians, and was then ended by the partition of the islands among the powers concerned.

A somewhat different form of condominium was instituted by France and England in 1906 over the New Hebrides, a group of islands containing fewer than seven hundred white people. In addition to a joint court presided over by an English and a French judge and an appointee of the King of Spain, the two powers conducted separate courts for their own nationals, foreigners being obliged to choose one of the two legal systems within six months. The executive of the islands was likewise divided between two High Commissioners, each commanding his own police force. The New Hebrides fared little better than Samoa, however, under the condominium. Dissensions were frequent and government over the natives unsatisfactory. In January, 1922, arrangements were made for Australia to buy the islands from England and France in the hope of better administration.

A more fragmentary experiment than either of these grew out of the Algeciras Conference of 1906, at which the Powers attempted to settle the disputes of France and Germany in *Morocco* by creating an International Police composed of natives, but organized by French and Spanish officers and inspected by a Swiss general. "The result," says

F. B. Sayre, "was probably not unforeseen. The Moroccan government proved itself less and less able to hold in control the turbulent natives; and it was only five years before the Sultan . . . sent out a call to France for military assistance. French troops, ready for such an emergency, entered Fez without difficulty; and the French occupation of Morocco stood out as a *fait accompli.*"[9]

The French protectorate did not cover *Tangier,* however, which, with 140 square miles of territory, became in 1915 an international city, ruled jointly by Moors and European Powers.[10]

Spitzbergen, at the northernmost limit of world habitation, owed no allegiance at all till very recently, though inhabited for twenty years by exploiters of its natural resources. At the outbreak of the Great War the Powers were on the point of adopting a plan for joint administration proposed by Sweden, Norway, and Russia, but this was never adopted, and in 1920 the Allies handed over Spitzbergen to Norway.

The most strikingly unsuccessful essay in international administration, as well as the nearest to European civilization, was the *Albanian Commission* of 1913, organized by the Powers after the first Balkan War, in order to maintain the newly-created state of Albania against the jealousies of Servia on the one hand and Austria on the other. A German Prince was called to the throne, and an international commission representing six nations besides Albania herself was given control over both the king and the native cabinet. The career of the administration was short and inefficient. The king proved incompetent, the people barbarous and torn by feuds, while

[9] F. B. Sayre in Duggan, op. cit., p. 149.
[10] See Denis P. Myers, *National Municipal Review,* Jan., 1915.

the state was continually menaced by stronger neighbors. At last the Great Powers gave up their responsibility in despair, and the last vestiges of the government disappeared at the outbreak of the Great War.

In general the lack of success of these governmental experiments has contrasted sharply with the brilliant achievements of the International Unions. The failure is not surprising when we consider the difficulty of maintaining justice among a polyglot population, however small, as compared with the organization of the most extensive business enterprise. A still greater difficulty lies in the fact that the regions thus administered are all situated outside the zone of normal business enterprise, where cooperation is the rule, and within the zone of undeveloped territory,—of concessions, exploiting interests, and spheres of influence, where jealousy reigns.

Diplomacy

Although the organized administration of international affairs has been confined chiefly to routine matters outside the sphere of controversy, civilized nations have never depended upon war alone, or upon arbitration, for the settlement of differences. In the earliest recorded time it was the custom for monarchs to send personal representatives to one another, who should meet the sovereign as man to man, talk over difficulties in an atmosphere of courtesy, and upon occasion negotiate treaties of mutual advantage. From ancient civilization there have come down to us the names of such ambassadors as the heroic Regulus, and Cineas, of whom it is said that more victories were won by his words than by the arms of his master, Pyrrhus. From an early period the person of the ambassador or legate was

held to be sacred, and a violation of this first principle of international law brought lasting disgrace upon its perpetrators. Under the Roman Empire, however, the embassy declined, as did every institution based upon the sovereignty of the several nations.

Upon the break-up of the Empire, Theodoric, the heir of Roman institutions, extended the usages of diplomacy to the other barbarian rulers; and in the Middle Ages Gregory the Great used successful diplomacy in balancing the Imperial power against the Lombards. Although the Popes made frequent employment of skilled legates, however, the political governments of Europe were far too chaotic to admit of developed embassies. Even in the classical period "the embassies had been no more than temporary missions dedicated to a particular end, and there had been neither permanent diplomatic agents nor a professional diplomatic class."[11] It was for the little Italian states, struggling among one another for alliances and the balance of power, to evolve diplomacy as we now know it, a permanent institution for the adjustment of international problems. Venice, in the fifteenth century, set the precedent of accrediting regular ambassadors to foreign courts, upon which precedent has grown up a system in which triviality and momentousness appear inextricably blended.

The Usages of Diplomacy

Diplomats are of several ranks, the highest being the regular ambassador or personal representative of the sovereign, and the minister plenipotentiary, to which class the representatives of the United States are accredited. They enjoy complete im-

[11] Carlton J. H. Hayes, op. cit., vol. I, p. 230.

munity in person and property, with legal extra-territoriality extending to their staff and servants. Up to the end of the eighteenth century the ambassador, as the deputy of his monarch, was the center of elaborate ceremonial, ranking next to that of royalty itself. With the decline of absolutism and the rise of the middle class, the ornamental trappings gradually fell from ambassadorship, although diplomacy has never lost its reputation for a formality verging upon the artificial. "Foreign affairs," says Walter Lippman, "are in fact the last stronghold of court etiquette and royal tradition." [12]

With all its immunity, the position of diplomat is a most difficult one. He must, in the first place, be *persona grata* to the power to which he is accredited, and any breach of courtesy on his part may result in his recall. He is expected to keep his government informed of all matters in which it may be concerned and to look after the interests of his compatriots in the foreign country. He must keep a strict neutrality toward the intra-national differences that may surround him and strive to maintain by personal friendliness the amicability of relationships between the two countries. His negotiations may be of the most informal character, but he is strictly responsible to his own state department, and any treaties concluded by him are invalid until ratified by the supreme power of his government. In view of these delicate duties, it is not surprising that diplomacy has become, rightly or wrongly, a synonym for courteous double dealing.

American Diplomacy

The diplomacy of the United States has, on the whole, reflected great credit upon the national ideals.

[12] *The Stakes of Diplomacy*, p. 37.

We entered the society of nations upon the wave of eighteenth century revolution, and for two generations men like Franklin, Jay, Madison, and John Quincy Adams demonstrated the ability of commoners of a weak and new state to uphold national rights and dignity in the midst of intriguing Powers. Our diplomacy actually began, says John Bassett Moore, with the mission of Silas Deane to France four months before the Declaration of Independence, and as many as fourteen treaties were concluded before 1789.[13]

Very soon after its formation the Union was obliged to face problems as to the recognition of the French Republic, and the maintenance of our duties as neutrals, as well as our rights upon the high seas. Perplexing boundary questions awaited adjustment and were slowly but satisfactorily disposed of. The rights of neutrals were continuously insisted upon, and the independence of the Americas from European interference was firmly established. The War of 1812, disastrous from a military point of view, was "saved from being a national calamity only by the skill of our diplomats at Ghent."[14] From 1830 to the Civil War, however, American diplomacy was subordinated to party politics, and reached a low level, varied only by accomplishments, not always very creditable, in the way of extending the boundaries of the United States. A revival of diplomacy came with the crisis of the Civil War and the ensuing reconstruction, when the famous adjustment of the Alabama Claims created a precedent for the peaceful settlement of disputes involving national honor. After 1872 came another period of isolation and disregard of diplomacy until the

[13] Moore, *A Hundred Years of American Diplomacy*, p. 2.
[14] Fish, op. cit., p. 498.

Spanish War and later the World War brought us into the circle of Great Powers.

Among the important matters dealt with after our national boundary became established were the problem of neutrality as regards first, the rights of neutrals, and second—as in the Alabama case—their duties; the protection of our extra-territorial rights, as in fisheries; the maintenance of free navigation in international straits and rivers; the difficulties connected with naturalization, immigration, extradition, and the rights of our nationals abroad; and, lastly, the differences incident to the upholding of the Monroe Doctrine. Throughout the history of these disputes the American diplomats have availed themselves so frequently of the machinery of arbitration and commissions of inquiry that the most important cases have already been discussed under these captions.

Its Success and Weakness

Up to the Great War, at any rate, the diplomacy of the United States has been attended with a remarkable degree of success as regards relations with the Powers of Europe. It is true that the permanent personnel of our embassies has been, perhaps justly, criticised; there has been little attempt at the establishment of a trained staff, and appointments have frequently been made upon the score of success in literature or local politics. In time of crisis, however, our government has "usually sent great men, who have in most cases outclassed their opponents."[15] An interesting consideration is that these diplomatic achievements have in no case been backed by a preponderant military force. During the first period of our history, at

[15] Fish, op. cit., p. 8.

least, "practically devoid of a permanent army or navy, we relied for defense upon our diplomats and the ocean." [16]

Our weakness in diplomacy, on the other hand, has been manifest in our dealings, not so much with Powers stronger than ourselves, as with weaker states, those of South and Central America. The Monroe Doctrine has achieved complete success on its negative side, the protection of the Western Hemisphere from European Imperialism; but "the one deliberate purpose which our diplomacy has completely failed to bring about has been that of winning the sympathy and acquiring the leadership of Spanish America. The reason is obvious; not the sentiment of Pan-Americanism, but the deep-seated nationalistic conception of United States dominance, has primarily moved us." [17]

The practical working of diplomacy in the role of international executive may be seen most clearly in the arrangement known for years as the Concert of Europe, and in principles such as the Monroe Doctrine and the naval supremacy of Great Britain, which we might term almost semi-legal in character.

The Concert of Europe

After the defeat of Napoleon the condition of Europe presented a striking parallel to that existing in 1919. Threatening empire had been overcome by a group of Allies who, tired of war, set themselves at the same time to make permanent the achievements of victory and to stabilize Europe under the peaceful dominance of the Great Powers. We may have the opportunity later on to compare their project with that of Versailles. Suffice it for the present

[16] *Ibid.*, p. 2.
[17] *Ibid.*, p. 500.

to say that it differed from the League of Nations in that it lacked a binding organization, possessed no general authority for adjusting disputes, and operated not continuously, but only upon occasions when cooperation seemed advisable.[18]

The Concert was founded upon the Quadruple Alliance, consisting of Austria, Russia, Prussia, and Great Britain, upon the idealistic Holy Alliance of the Tsar, signed by all the rulers of Europe except the Pope, the Sultan, and the British Regent, and upon the Treaty of Paris of 1815, which bound the Alliance to "the future convocation of diplomatic congresses for the preservation of peace and the status quo."[19] Four of these congresses were actually held, at Aix, Troppau, Laibach, and Verona, at the first of which France was added to the group. The history of the Alliance is well known—a record of warfare upon revolution, and attempted maintenance of legitimism in every part of the world until checked by the promulgation of the Monroe Doctrine in the Western Hemisphere and the liberalism of Canning in Europe. England withdrew from the Alliance in 1822, and France soon joined her in the policy of non-interference, so that "thenceforth the Concert of Europe was a mere fiction."[20]

It contained, however, says H. G. Wells, "an element of progress. It did at least set aside the individualism of Macchiavellian monarchy and declare that there was a human or, at any rate, a European commonweal. If it divided the world among the kings, it made respectful gestures towards human unity and the service of God and man."[21] Moreover, the idea of cooperation for spe-

[18] Carlton Hayes, in Duggan, op. cit., p. 44.
[19] Carlton Hayes, *A Political and Social History*, etc., vol. II, p. 11.
[20] *Ibid.*, p. 47.
[21] Wells, *The Outline of History*, 3rd ed., p. 922.

cific ends had taken root, and we find a Concert of Europe in the general sense appearing at intervals up to 1914.

The Later Concert

The five Great Powers belonging to the later Concert were Austria, Russia, France, Great Britain and Germany, with Italy as a member from the seventies, and Japan and the United States as occasional members after the beginning of the twentieth century. Although humanitarians continued to build high hopes upon it, the Concert of Europe never represented the public opinion of its constituent states, but depended, as in the days of Metternich, upon professional diplomatists, secret agreements, and the balance of interests. Hayes counts as achievements of the Concert the Declaration of Paris (1856) as to neutral rights, the Danube Commission, and the Geneva Convention establishing the Red Cross and its privileges. In the eighties it divided Central Africa and set up the Congo Free State; in 1900 the nations cooperated in the suppression of the Chinese Boxer uprising; in 1906 the Algeciras Conference effected a temporary settlement of the disputes of France and Germany over Morocco. The most important field for the modern Concert of Europe, however, has lain in the problems arising from the Turkish Empire. At the end of the Russo-Turkish War of 1878, the assembled diplomats revised the Treaty of San Stefano concluded by the victorious Russians, "not in the interests of justice and equity, but in the interests of Austria-Hungary and Great Britain."[22] From that time to 1914 the statesmen of the Concert intervened every now and then to temper the evils of Turkish rule, while main-

[22] Carlton Hayes, op. cit., vol. II, p. 506.

taining its existence as an instrument for the Balance of Power and a guarantee of their national investments. In 1897 they secured autonomy for Crete under joint protection, and in 1913 superintended the treaty which concluded the Balkan War and set up the principality of Albania.

In 1914 came the catastrophe, perhaps fomented by the Balkan diplomacy of the Powers, perhaps deferred by it for a generation. The Concert of Europe, already undermined by the alliances of the latter nineteenth and early twentieth century, was shattered by the Great War, and its place taken by the military councils of the Central Powers and of the Entente. It was by the Supreme Council of the latter that the preliminaries of peace were arranged, and this Council continued to function as a Concert of the Allies even after the League of Nations was established. In the 1921 Conference on the Limitation of Armaments, in the Genoa Conference of 1922 to which Germany and Russia were invited, and in the Lausanne Conference of 1923, we see the possible beginning of a new Concert of Europe.

The Freedom of the Seas

Distinct from and sometimes opposed to the Concert of Europe, we find certain principles brought forward by individual Powers in their own interests, and erected by generations of successful diplomats almost to the dignity of international law. Conspicuous among these are our own Monroe Doctrine and the British principle of naval supremacy.

The latter doctrine represents the English view of the phrase "freedom of the seas," an obvious and simple shibboleth until subjected to the interpretations of rival states. "Freedom of the seas," says John Bassett Moore, "signifies the right of neutrals

freely to navigate the ocean in pursuit of innocent commerce."[23] This right is maintained during peace, but, in the opinion of Raymond G. Gettell, it is practically non-existent in time of war. Therefore, "any serious attempt to establish the freedom of the seas must be accompanied by a guaranty against war." He explains the American theory, that "free ships should make free goods—that is, that goods carried in neutral ships should not be captured; and that free goods should make free ships—that is, that neutral goods, except contraband, should not be captured, even in belligerent ships."[24] Great Britain, though agreeing that free ships make free goods, except for contraband, refuses to agree to the doctrine that free goods make free ships, and insists also upon the right of blockade. This limited freedom, especially adapted to Great Britain as a ship-owning nation, she maintains is in actual existence under the protection of her navy and can be perpetuated only by the supremacy of that navy upon the seas of the world, as indicated until 1922 by the two to one standard of tonnage. This British claim was seriously disputed in modern times by but one nation, Germany, and the consequent rivalry must be counted as an important contributing cause of the Great War. The Washington Conference of 1921 showed a modification of this principle by Great Britain in the acceptance of a five, five, three tonnage standard.

The Monroe Doctrine

Our own diplomatic fiat, the Monroe Doctrine, has approached more nearly than the British policy to general acceptance. Formulated by Adams, but

[23] *Principles of American Diplomacy*, p. 103.
[24] Raymond G. Gettell, in Duggan, op. cit., pp. 256, 263, 269.

appearing over Monroe's signature in his message of 1823, the Doctrine was not only a defiance of the Holy Alliance in its designs upon the newly liberated South American republics, but also a refusal to cooperate with Great Britain in bringing the subject before the Concert of Europe. Since Adams' reliance for the enforcement of his doctrine was chiefly upon the British navy, his achievement is justly considered a triumph of diplomacy. The significant words of the message are as follows:

> Our policy in regard to Europe is—not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us. . . .
>
> It is impossible that the allied powers should extend their political system to any portion of either [American] continent without endangering our peace and happiness. . . . The occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

The Success of the Doctrine

The negative policy thus set forth, that of non-interference in European affairs, was adhered to up to the World War, though the United States has not restrained itself from taking an active part in Asiatic matters from time to time. The affirmative side of the doctrine, that the United States will prohibit any European Power from extending its territory or political system to the Americas, has been vigorously upheld, even the stress of the Civil War occasioning only a temporary laxity which was soon corrected. Moreover, important corollaries have been added to the doctrine itself: Polk's, that we should ourselves "occupy a territory if necessary

to prevent the introduction of the European system;''[25] Grant's, that ''Hereafter no territory on this continent shall be regarded as subject to transfer'' by one European Power to another;[26] Roosevelt's, that chronic ''wrong-doing or impotence'' may force the United States to the exercise of an international police power;[27] and Wilson's, that we should discourage violent revolution by recognizing only governments founded on justice and law.[28]

Although Lord Salisbury was doubtless correct in his statement that the Monroe Doctrine is not a part of international law because ''international law is founded on the general consent of nations'' and no state can insert a provision by itself, yet this principle has attained a status of observance which has practically brought it under the category of customary law. The stamp of authority seems to have been finally given by the League Covenant of 1919, in which the Monroe Doctrine and other regional agreements are specifically excepted from the application of Article XXI.

Weakness of the Doctrine

Notwithstanding the triumph of the Monroe Doctrine as regards Europe, however, we have never, as has been mentioned, succeeded in gaining the confidence of the Latin-American republics, or in establishing ourselves as leaders among them. ''The aggressions of the United States against Spain and Colombia, her decided firmness in dealing with the countries of the Caribbean, the threatening and condescending language of President Roosevelt, far from changing the opinion that a majority of their

[25] Fish, op. cit., p. 296.
[26] *Ibid.*, p. 334.
[27] *Ibid.*, p. 448.
[28] *Ibid.*, pp. 478, 484.

public men have always held in regard to us, have only confirmed it. They still fear our continued aggression, a fear from which the repeated assertions of Roosevelt and of Wilson fail to free them. In addition, the powerful and firmly established governments of Argentina, Brazil, and Chili resent the arrogance of our tone. They feel no necessity for the defense of the Monroe Doctrine; they deny the assertion that our fiat is law upon the American continents, while they realize that in fact that has been the basis of our action." [29]

It is true that the Pan-American movement, fostered by Blaine and McKinley, was of some advantage in encouraging amicable acquaintanceship and furthering the cause of arbitration. Pan-American Congresses were held in 1889 at Washington, in 1901 at Mexico, in 1906 at Rio, in 1910 at Buenos Aires, and in 1923 at Santiago. Although these congresses, however, "have steadily improved the conditions of international intercourse, they cannot be said to have led to any marked advance toward our goals of trade supremacy and sympathetic understanding." [30]

The reason for this lack of success seems to lie in the absence of altruism which the Latin Americans think they have seen in our policies toward them up to the present time. Until the Spanish-American War, our interest was chiefly negative, being confined to the keeping off of European meddling. As early as 1826, when the new republics formed the plan of liberating Cuba and Porto Rico from Spanish rule, it was Great Britain who gave encouragement, and the United States who, swayed by the slave-owning interests, protested openly against the attempt and showed "unwillingness to sit in the

[29] Fish, op. cit., p. 452.
[30] *Ibid.*, p. 451.

Congress with delegates from the negro states of Haiti and the Dominican Republic."[31] The mid-nineteenth century was marked by the war with Mexico, repudiated then and now by the better sentiment of the United States.

After the Spanish War had plunged us into Latin-American affairs, our policy became more active, but was marked by disinterestedness in the case of Cuba alone. Porto Rico was acquired, and the control of the Caribbean assured to us. The Panama Canal was negotiated, by a series of transactions which left rancor against us for some years in Colombia. We have determined the governments of Haiti, Santo Domingo, and Nicaragua, says Everett Kimball,[32] "supported, not by the consent of the governed, but by the power of the United States." Our fluctuating Mexican policy and the scandals attendant upon our occupation of the island of Haiti have not tended to strengthen the reliance upon us of the Spanish American countries.

Upon the eve of the fifth Pan-American Congress, called at Santiago, Chile, in 1923, under the leadership of Secretary Hughes, an influential Argentinian journal expressed itself as follows: "We do not desire to be nor could we continue being Pan-Americanist. . . . The classical phrase, America for the Americans, means now nothing more than America—our Latin-America—for the North Americans."[33]

In view of this weakness of the Monroe Doctrine on the positive side, and in consideration of our apparently permanent entrance into the sphere of world politics, there is authoritative opinion in the

[31] *Ibid.*, p. 217.
[32] In Duggan, op. cit., p. 295.
[33] Quoted by Samuel S. Inman, in *Current History*, Feb., 1922.

United States that the Monroe Doctrine should be again brought down to the limits of Wilson's statement, the mere demand "that European governments should not attempt to extend their political system to this side of the Atlantic." [34]

Summary

Such are the achievements of modern diplomacy. It is true that "the art of conducting the intercourse of nations with each other" has been discredited in the popular mind by the proverbial insincerity with which it has been associated. According to F. C. Hicks, diplomacy stands now upon a fairly high plane, far advanced above the intriguing policies of the eighteenth century; yet the recent popular title, "How Diplomats Make War," is not reassuring. Perhaps the chief reason for the persistence of this unfavorable impression is the fact that secrecy of negotiations, offering an obvious invitation to double dealing, has survived all the fulminations of twentieth century liberalism and the specific condemnation of the Fourteen Points. Even Lippmann, in his statements "that one man can negotiate and many can't," and that "democracy can never deal with an affair that is 'foreign,' " lends countenance to the idea that open diplomacy is a contradiction of terms.[35] "Publicity of negotiations," says Hicks, "can never be achieved," and he calls attention to the fact that the Volume of the United States Report on Foreign Relations issued in 1919 contains no material later than 1912, and then only selections.

Moreover, there is strong authority for considering diplomacy, not as a substitute for military force, but as its director and supplement. Our interna-

[34] J. B. Moore, *Principles of American Diplomacy*, p. 268.
[35] Lippmann, op. cit., pp. 26, 46.

tional system, writes D. J. Hill,[36] is the "result of reasoned policy and deliberately formed conventions in restraint of force—the triumph of statesmanship and diplomacy, not shaped and determined by military action, but controlling the movements of armies and navies whose coercive powers are put in action only by decisions reached after deliberation at the council board."

As against these rather discouraging views of diplomacy, we have the successful diplomatic record of our own government, in which military strength has borne little, if any, relation to the results achieved, and where foreign policy has always been comparatively open and popular. Fish writes: "The controlling element in our diplomacy has been the people at large; and if our policy has on the whole secured us what we wanted, and done so without unnecessary friction, it is a justification of our democracy and an argument in favor of democracy in general."[37] "It is probably true," he tells us later on,[38] "that the growth of democracy has made diplomacy more difficult in most countries than it previously had been. That the reverse has been true in the United States has been due, in the first place, to the juristic habit of mind already mentioned."

It seems fair, accordingly, to conclude that two types of diplomacy exist, each with its appropriate field of action—the one based ultimately upon force and largely dependent upon secrecy, but well adapted to the manipulation of alliances and concessions for the national aggrandizement; the other placing its chief reliance upon arbitral justice and thriving in

[36] *European Diplomacy*, p. ix.
[37] Op. cit., p. 9.
[38] *Ibid.*, p. 499.

an atmosphere of publicity, utilizing brilliant personalities but not subject to them, and marking its achievements less by advantages gained at the expense of other nations than by successive steps in cooperation for mutual welfare. The first is the diplomacy of imperialism, the second that of international democracy.

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CHAPTER VI

NATIONALISM, INTERNATIONALISM, AND IMPERIALISM

We have surveyed in some detail the development attained up to 1914 by the three departments of international government. The World War interposed a check to this natural development, and we have been faced since 1918 by a world in comparative chaos, from which apparently it can be saved only by a deliberate reorganization. Before taking up, however, the plans suggested for the new society, we must examine briefly three great phenomena which have reached their highest point during the last one hundred years, and which the new essay in international government must either abolish or invite into alliance with itself.

Nationalism

The first of these world-wide phenomena of association is known as nationalism. H. F. Barnes defines it as "the dynamic expression of the life, activities and sentiments of nations and national states."[1]

The term might be explained more practically as the centering of loyalty and group ambition exclusively or supremely in the idea of nationality—itself a somewhat ambiguous expression.

Sydney Herbert considers the latter "a form of consciousness of kind related to a definite home-country," and believes that it does not depend upon

[1] In Duggan, op. cit., p. 164.

political allegiance, religion, or economic interest. "Nationality is to a social group what personality is to an individual."[2]

"In its most exact and fundamental sense," says Barnes, "nationality is the collective name given to that set of psychological and cultural forces which furnish the cohesive principle uniting a nation." It includes ideally the following elements: a common country; race consciousness; a distinctive culture; a common history; and mutuality of economic interests. The "dynamic expression" of nationality in nationalism is always marked by the active demand for a sixth element, an independent political state with boundaries at least coterminous with those of the other five.[3]

For the present generation, brought up as we have been in the ultra-nationalistic atmosphere, it is difficult to realize that a century ago nationalism was a new and radical doctrine. Under the feudal system allegiance had been directed chiefly toward the feudal lord, though suffering frequent collision with the cults of church, empire, and city. In the seventeenth century there existed but two great nations in Europe,—France and England, of which the second only had advanced beyond the stage of dynastic to that of national loyalty. Austria and Spain were less nations than remnants of intangible empires, Russia was just emerging from the shadows of the East, and the rest of the modern powers were still quarreling aggregations of feudal domains. In rare cases was there any correspondence between the race, culture, and language elements, on the one hand, and the boundaries of the political state, on the other.

[2] *Nationality and Its Problems*, pp. 29, 57.
[3] Barnes, op. cit., pp. 164, 165.

Nationalism in 1815

Europe came out from the Napoleonic deluge, however, with a spirit of nationalism which made the nineteenth century a succession of political rearrangements directed, on the one hand, to the overthrow of alien domination, and, on the other, toward the integration into one state of all peoples of kindred race and culture. In 1815, indeed, the nationalistic movement was as yet little more than an ideal of young radicals. More than half a century was to elapse before even Italy and Germany should be born among the Powers, and the years between were to be marked by suppression and failure. The allied statesmen of 1815, in their task of restoring the world after the war of nations, had neglected to note the new principles that had arisen amid the conflict, or had noted them only as the propaganda of sedition.

"Had the diplomatists," says Hayes, "been farsighted enough to perceive that the twin principles born of the French Revolution, namely, nationalism and democracy, were destined at no distant date to be cherished in all their countries, they would have begun their work by a frank and sincere recognition of those principles, and would have been guided thereby in their territorial settlements."[4]

Metternich and his colleagues, however, had been educated under the dynastic dispensation, and legitimism to them was synonymous with justice and order. They did not hesitate, therefore, to disregard nationality in such countries as Italy and Bohemia, and to devote their chief efforts to the crushing of democracy and the restoration of the old régime under the pre-revolutionary ruling families. The disappointments of 1848 bore testimony to the sub-

[4] Carlton Hayes, in Duggan, op. cit., p. 31.

stantial success of their endeavors; but not all the attempts of 1848 proved abortive, and meanwhile the industrial revolution and the new ideals of the nineteenth century bore Europe on to national life. One by one the modern states took shape,—Belgium, Serbia, Italy, Greece, Roumania, Bulgaria, Germany,—while France and England experienced a new access of national consciousness, and the United States became more firmly integrated as a nation by the Civil War.

The palmy days of nationality fell in the later Victorian period. In the subsequent period, from 1900 to 1914, only one or two new states emerged,—Norway, and the short-lived Albania; and the spirit of nationality in the Great Powers, apparently stronger than ever, was gradually changing its character under the pressure of economic interests. Wherever there existed a submerged or oppressed nation, however, the fires of nationalism still burned fiercely, and the prosperous industrialism of the new century was continually disturbed by mutterings of revolt in Poland, Bohemia, Ireland, or the Turkish dependencies.

Nationalism After the World War

The Great War brought these revolts in many cases to a climax, especially as the allies declared "that above everything else they were fighting for a reorganization of Europe along well-defined lines of national groupings."[5] Accordingly the statesmen at Versailles found themselves confronted by a multitude of small countries claiming Wilson's promise of self-determination, "dissatisfied with their present rulers and seeking either independence or union with some kindred race."[6] Along with self-deter-

[5] H. E. Barnes, in Duggan, op. cit., p. 162.
[6] Lord Bryce, quoted *ibid.*

mination came the claims for sovereignty and equality among the Powers. Difficult as they were, these claims were still further complicated in several ways. Not only the nations formerly subject to the defeated Central Powers, but those under the rule of the victorious Allies, proceeded to demand a share in self-determination,—not only Poland and Czecho-Slovakia, but Egypt, Ireland, and Korea. Several of the nationalities to be liberated were discovered to correspond to no clearly defined habitat, but to be inextricably mingled geographically with other races. Most embarrassing of all, most of the new states had no sooner achieved self-determination than they were seized with a desire for the enlargement of boundaries regardless of one another.

The Essentials of Nationality

A glance at the essentials of nationality may throw some light upon this problem still far from settlement. Brailsford asks a searching question: "Does nationality necessarily include the State idea and require the sovereign control of a definite territory by a single race?" and answers it by the statement that freedom to develop its own culture is the only essential demand of nationality.[7]

"The conception of nationality," says Sydney Herbert, "must be divorced from that of the state."[8]

One of the most distinctive nationalities in the world is the Scottish, intensely self-conscious, and sharply differentiated from the English in nearly all the national elements above enumerated. For more than a century, however, its political entity has been merged with almost complete content in that of England. To secure freedom of this type for the

[7] *A League of Nations*, p. 131.
[8] Op. cit., p. 162.

suppressed nationalities of the world would seem to be a practicable proceeding, involving none of the real difficulties we have mentioned. It is when nationality shades into nationalism, however, that problems develop. Only when the dynamic expression of nationality demands a political state do questions arise as to sovereignty, geographical distribution and infringement of boundaries.

When Barnes tells us that "It was nationality and its allied manifestations and institutions that transformed Europe into an armed camp during the last two generations," and that "It was an overexuberant development of national spirit which produced in Germany the conception of the Teutonic mission to bring by force, if necessary, the blessings of Deutschsthum to the rest of the world," he cannot be referring to the cultural principle of nationality, but to the political principle of nationalism.[9]

Even in its extreme form, however, nationalism has its natural limits, and the designs accredited to the Germany of 1914 could not accurately be called nationalistic. Both these and the European armament race were the fruits, not of nationalism in the Victorian sense, but of aggressive imperialism in nationalistic guise. For twenty years before the Great War lip-service was assiduously paid to nationality, and the cult of the political state achieved in some cases almost the dignity of a religion; yet the focus of national devotion had unmistakably shifted away from the ideal of nationality to the far wider principle of imperialism.

Imperialism

Modern or industrial imperialism differs from the imperialism of ancient times in that it is based, not

[9] H. E. Barnes, in Duggan, op. cit., p. 161.

upon the simple relation of political conquest, but upon the far more complex process of economic exploitation.

The Beginning of Modern Imperialism

The first phase of modern imperialism had its beginning in the discoveries and conquests of the New World by England, Spain, and the other powers of the fifteenth and sixteenth centuries. The vast lands thus acquired were not so much empires in the Roman sense of subject nations ruled by a central power, as mere treasure-troves to be looted at leisure. Spain never advanced far beyond this simple conception, and her empire soon melted away. Before the end of the seventeenth century, however, the colonies of Great Britain, at least, now the homes of Old World settlers, came to be valued for a new purpose, their use as markets for the products of the Mother Country. During this period England, under the influence of the old mercantilist economics, hedged in her colonies with trade laws of every variety in order to maintain them solely as a preserve for British exporters and carriers. We are familiar with the events which brought a reversal of English policy,—the lesson of our own revolt that colonies must be held by liberty rather than force, and the change to the laissez faire economics of the industrial revolution, with its abandonment of all restraints upon trade.

Thus by the time the rest of the world wakened to dreams of real colonial empire, England was already the free trade mistress of the seas, ruling alien tribes, it is true, with a rod of iron, but binding her daughter states to her by little else than the common consciousness of British freedom. The latter group of colonies, now the Dominion of Canada, the Com-

monwealth of Australia, etc., are not typical of modern imperialism. Their political subordination is hardly more than nominal, and economically they are self-exploiting, the homes of enlightened settlers who buy and sell in the best market irrespective of flag and refuse to be bound by any but mutually advantageous trade restrictions.

Imperialism and the Undeveloped Territory

Imperialism cares little for such colonies as these; as markets they are no more profitable than other civilized nations, and as outlets for emigration they are of no particular advantage to the business interests which generally determine imperialist policy. It is the undeveloped territory, especially the land containing unworked natural resources under a weak or barbarous government, that is the prize of modern empire. These natural resources are sometimes to be obtained outright after a perfunctory regard for the title deeds of an aboriginal ruler, sometimes taken over under a concession secured by force or diplomacy from a weak government. For market purposes the unorganized country presents undiscriminating buyers, eager to exchange future for present goods, and easily monopolized through the trade restrictions of the Power first on the ground.

Important as are the uses of the colonial areas, however, as a source of raw material and a market for superfluous products, it is not for these uses only that the modern Powers reach out greedily for new lands. The industrial nations of this generation have changed their index of prosperity from textiles to iron and steel, from consumers' goods to producers'. We are willing to import our small wares from the East if we can build the machines and

the railroads with which to produce them. Our capitalists are even ready to turn their attention to a great extent from home production in order to stimulate new industrial centers in far-off places.

The developed nations were in 1914 already saturated with capital. By saturation we do not mean that interest had ceased, or that there were not still many openings for profitable enterprise. We are familiar with the principle, however, that as capital accumulates in a society the marginal units are forced into less and less productive uses; these units determine the general rate, and normal interest falls. In barbarous Africa, on the other hand, or in the disorganized dependencies of Turkey, we find, owing to the presence of easily obtained natural resources and an abundance of cheap coolie labor, the highest possible marginal productivity of capital. Not alone in extracting such wealth as oil, rubber and phosphates can European capital be profitably utilized. In constructing railroads and factories, supplying the requisite steel, and building up in remote quarters of the globe new centers of industrialism, a field for investment exists which is limited only by the rivalry among the Powers and the capacity of the world to absorb the increased product.

The Process of Imperialism

Not only in the nature of its domination, but also in the process by which it is achieved, modern Empire is essentially economic. Literal conquest has not died out, and has been revived in a new form under the mandates of Versailles; the claims founded upon exploration also are still recognized. The distinctive method of twentieth century imperialism, however, is that of economic penetration, at first peaceful and privately organized, the trader follow-

ing the missionary, and the exploiter the trader. The profits of investment are high, but the risk great, this risk appearing in the form of insurance to raise still further the interest demanded for capital. Veblen speaks of "the expatriate fortune-hunter, who aims to fish safely in troubled waters at his compatriots' expense."[10] European sagacity easily wins to itself the support of native rulers by financial aid, or plays them off against one another to secure greater concessions for itself. Sooner or later an untoward incident occurs. A trader is attacked, an insurrection puts the new industries in jeopardy, an inefficient ruler defaults in his interest payments, or a revolutionary government revokes a previous concession. Any of these cases presents a sufficient excuse for the seizure, partial or complete, formal or informal, of the country in question.

The former German colony of Kiao-Chao was an instance of seizure in punishment for the murder of a missionary; our own protectorate over Nicaragua is an example of the forefeiture of independence through involved finances; and the Indian Empire of Great Britain owes its existence to the clever utilization of native rivalries.

Hayes marks the beginning of the imperialist movement by Disraeli's purchase in 1875 of a controlling British interest in the Suez Canal and by the proclamation of the Queen as Empress of India in the following year. France entered the imperialistic race in 1879; "Germany in 1884, Russia, Japan, the United States, Portugal and Spain annexed new territories. Even the diminutive kingdom of Belgium acquired in the Congo a colonial empire eighty times as large as the Mother Country."[11]

[10] On the *Nature of Peace*, p. 212.
[11] Carlton J. H. Hayes, op. cit., p. 551.

The facts of the first generation of imperialism are given in tabular form by J. A. Hobson.[12] In the period from 1870 to 1905 Great Britain added to her empire an area of 4,754,000 square miles with an estimated population of 88 millions; Germany acquired one million square miles with 14 millions of population; and France, three and one half million square miles with 37 millions of people.

Imperialism in the Twentieth Century

At the beginning of the twentieth century there were four nations whose colonial possessions exceeded the home country both in population and in area, Great Britain, France, Portugal and the Netherlands. The population of France equalled 69 per cent of the population of her colonies, and her area was equal to only 5 per cent of her colonial territory; the population of Great Britain was 12 per cent of her colonial population, and her area but 1 per cent of that of the colonies. Portugal, who had acquired a large portion of Africa during the eighties, compared with her colonies at ratios of 56 per cent for population and four and one half per cent for area; while the Netherlands, still rich from the acquisitions of the earlier colonial period, possessed a population equal to 15 per cent of that of their empire and an area equalling only one and a half per cent of their foreign territory.

By 1914 Italy, Germany, Japan and Russia had effectively distanced Portugal and the Netherlands as active imperialists, the former two in Africa, the latter two in Asia; the United States had considerably increased its control, if not its property, in foreign territory; and France and Great Britain had made still greater advances in world rule. The most

[12] *Imperialism*, pp. 14-20.

conspicuous French enlargement in the decade preceding the World War was by the protectorate extended over Morocco in 1912.

A glance at the British Empire in the first year of the War will serve to show its vastness and complexity. At this time, writes Hayes, "approximately one-fourth of the world's habitable area and one-fourth of the world's population were embraced by the British Empire. In area the United Kingdom constituted less than a hundredth part of the Empire; in population about one tenth." [13]

There is a point of view, as has been already suggested, from which the British Empire does not come under the general definition of imperialism as an institution for the exploitation of undeveloped areas. David Jayne Hill speaks of it as now rapidly becoming a confederation of autonomous states. Pollard considers that in the latter nineteenth century "the only political system which approached the idea of a League of Nations was the British Empire, and it achieved success not by the amalgamation of independent units, but by their decentralization. . . . England conquered its will to dominate its Dominions." [14]

It must be noted that these authorities have reference only to the self-governing dominions of Great Britain, an association which may very properly be termed a precursor of the League of Nations. A fact frequently forgotten, however, is that the inhabitants of these dominions form but a small minority of the vast population of the Empire, which is ruled upon a basis far from self-governing.[14a]

[13] Carlton Hayes, op. cit., p. 640.
[14] *The League of Nations in History*, p. 12.
[14a] See also John Oakesmith, *Race and Nationality*, p. 181 ff.

"In the entire Empire," Hayes writes, "there were only sixty million white inhabitants, three-fourths of whom lived in the British Isles," and for every one of the twelve million actual British settlers in the colonies, "there were more than thirty dusky-skinned 'natives' subject to British rule. Three hundred and fifty million Asiatic Indians, forty million blacks, six million Arabs, six million Malays, a million Chinese, a million Polynesians, and a hundred thousand red (Canadian) Indians, overwhelmingly outnumbered the British in the Empire." [15]

Neo-Mercantilism

During the period of imperialist growth a decided reaction had taken place against the laissez faire theory of the nationalistic mid-Victorians that a country gained but little economic advantage from colonial possessions. In addition to the profits gained in the exploitation of natural resources and the building up of undeveloped areas, vigorous attempts were made, perhaps in response to pressure from a new set of interests, to reap gain from colonial possessions by their utilization as markets. "According to these 'neo-mercantilists,' high protective tariffs and active colonial expansion would go hand in hand." [16] Accordingly the years from 1875 to 1900 saw high protective tariffs enacted by every industrial nation except the United Kingdom.

As has been observed, however, it is only the undeveloped or backward colony that furnishes appreciable profit to the mother-country. Even under the stimulus of neo-mercantilism, we find civilized European settlers buying and selling where they please. "In 1913 Canada purchased only 20 per cent of her

[15] Carlton Hayes, op. cit., p. 641.
[16] *Ibid.*, vol. II, p. 559.

total imports from the United Kingdom; whereas Argentina, which is not a colony of Great Britain at all, obtained more than 30 per cent of her imports from the United Kingdom. France enjoyed less than a third of the total trade of her colony of Indo-China. The trade of Canada was more valuable to Germany than that of all the German colonies." [17] An extreme case of independence on the part of a developed colony was when Canada laid a tariff, even though a preferential one, upon exports from the mother country.

The Profits of Imperialism

It is obvious that the profits of modern Imperialism, unlike profits in the Roman Empire, where bread and circuses were recognized institutions, accrue to a comparatively small portion of the exploiting people. To the working masses, these profits are distinctively negative. Unlike the old type of self-governing colony, the twentieth century possession or sphere of influence offers little or no outlet for emigration. It is often unsuited climatically for white settlers; in other cases it is already the seat of a crowded population. The development of this territory brings vast quantities of coolie labor into direct competition with workers at home, in addition to lowering the normal wage increase by diverting capital from the home market and thus lowering the productivity of marginal labor. To these losses must be added the increase in living costs inseparable from a protective policy, and the workers' share in taxation for the defense and upkeep of the foreign possessions.

Certain branches of the civil and military service, to be sure, derive great opportunity from imperi-

[17] *Ibid.*, vol. II, p. 553.

alistic expansion, and transmit the effects indirectly to others of the middle class, as in the case of Great Britain and the Indian service. An immense profit is, of course, reaped by the concessionaires and financial interests engaged in developing the new country, by the industries furnishing machinery and other supplies, and by an army of engineers and superintendents in their employ.

Outside these special classes, however, which are so interwoven into our complex industrial system as almost to defy isolation, the advantage of empire to capitalists in general is at least doubtful. The domestic entrepreneur is hampered by an artificially high interest rate, foreign commerce is restricted by neo-mercantilist experiments, and the capital of the entire nation must be taxed to maintain and police the tremendous imperial structure of which the material advantages are far from evenly distributed.

The economic struggle before the war was not between the masses of the nations, says Veblen, but between the "economic interests of those nations, which stood to gain in the struggle, and which had the secret or outspoken sympathy and support of their respective governments." The common man gains by it only "an increased bill of government expense and a probable increase in the cost of living."

National Consent to Imperialism

It is unlikely that the industrial nations would have consented to pour out blood and treasure as they have done for the control of the undeveloped world if imperialism had been presented to them as a business proposition. It is as affording an outlet for the dynamic expression of nationality that imperialism has been able to command the lives and

money of civilization. While the nation is still struggling for freedom and integration, as with Ireland until now, nationalism affords the normal form of expression. When these results have been achieved the flowering of nationality in its own distinctive culture would naturally be expected. The civilization of the last generation, however, has set its standards so exclusively in the field of material achievement that national culture as such no longer affords scope for the militant leaders of the group, who, once having established their own state securely, sigh increasingly for new worlds to conquer. Accordingly, the dynamic force of nationality, no longer finding an outlet in constructive nationalism and effectually diverted by the spirit of the age from cultural directions, tends to flow vigorously along the new channels of imperialism.

Imperialism vs. Nationalism

It is evident that the imperial ideal, by shifting the focus of interest from the concrete home group and its welfare to a complex of foreign dependencies, denotes a weakening of the ideal of nationalism. Ancient imperialism furnished a striking parallel, in the steady undermining of Roman citizenship by increasing empire which culminated in the political extinction of Rome itself.

Hayes demonstrates still further "the effect of this imperialism upon the two cardinal principles of nineteenth century politics—nationalism and democracy. . . . The very nations that had prized national freedom more highly than life itself became destroyers of freedom in Africa and Asia. At the very close of the nineteenth century, which was preeminently the century of nationalism, Great Britain defied nationalism by her conquest of the two Boer

republics in South Africa (1899-1902). Italy, having liberated herself from Austria-Hungary, attempted to subjugate the free nation of Abyssinia. It is a strange paradox that those who most cherished their own national independence should least regard that of others. To this unhappy inconsistency we may trace not only the origin of a cynical attitude towards the ideal of Nationalism, but also the rise of that bitter imperial and militaristic rivalry between the Great Powers which culminated in the War of the Nations."[18]

The decline of an institution, however, is often marked by extreme observance and formalism. Even aside from the obvious advantages to powerful interests that lay in fanning the flames of imperialism, it was natural that the nationalistic spirit, after its diversion from its original object, should tend toward extravagance. For the twenty years preceding the World War, accordingly, we find patriotism, the normal emotion of nationality, expressing itself in ritualism, intolerance, and the paraphernalia common to enthusiasms that are no longer spontaneous.

The extreme stage of a formerly wholesome nationalism was reached in the Germany of 1914, where the imperialistic idea was consecrated by a cult of the State, transcending both religion and ethics in its demands on the individual. As a result of events inseparable from the World War, not only was imperialism advanced in other Great Powers, but the cult of the State became in most cases strongly entrenched; whether both are to give way to a revival of normal nationalism is as yet uncertain.

The phenomena of imperialism has thus thrown some light upon the existence side by side, among the Powers of the early twentieth century, of an

[18] Carlton Hayes, op. cit., vol. II, p. 559.

apparently vigorous patriotism and extreme devotion to the state, on the one hand, and, on the other, of what seems to be an actual decline in the spirit of nationalism. It is clearly this decadent pseudo-patriotism which Professor Veblen has in mind when he says, "There is, indeed, nothing to hinder a bad citizen being a good patriot," and "Patriotism may be defined as a sense of partisan solidarity in respect to prestige." [19]

"Spurious patriotism," says E. K. Fallowfield, "is to real patriotism what intolerance was to true religion." [20]

Internationalism

The third world force to be reckoned with by the remakers of Europe should be termed Internationalism, were it not that the word might serve to cover all the various forces hitherto mentioned as tending to bind the nations in an organized society. A definition of Internationalism in this general sense is given by George V. Kracht as the movement which has for its remote ideal "a world in which each of many diverse races shall function in its own specific manner and develop according to the secondary purposes that the character of the people prescribe, and yet exist wholly by and for the general life of the whole." [21]

The main subject of this section is more specific, dealing with the series of international associations which, under the domination of Marxian economics, have united more or less completely the radical working class of Europe and America from 1848 to the present time.

[19] Op. cit., pp. 31, 34.
[20] *Patriotism*, p. 28.
[21] Kracht, in *International Journal of Ethics*, vol. 30, p. 241.

The Workers' International

The movement had its rise in the more radical wing of the nationalist agitation, when in 1836 the *League of the Just* was formed in Paris by a group of German exiles. Being forced later on to take refuge in England, they carried the association with them and, under the influence of Karl Marx, held a congress in London in 1847 at which the Communist League was established. The platform of the new league, The Communist Manifesto, written by Marx and Engels, has remained the classic expression of scientific socialism. After setting forth the characteristic Marxian doctrines of the class struggle, the economic interpretation of history, and the approaching breakdown of capitalism, the Manifesto ends with the exhortation: "Workingmen of all nations, unite; you have nothing to lose but your chains; you have a world to gain."

The *Communist League* shared the fate of most of the agitation of 1848, and for some years its summons remained upon paper only. Internationalism was only biding its time, however, and an important stimulus to working-class solidarity was given by the London International Exhibition of 1862, to which a deputation of French workers was sent under the authority of the third Napoleon. These were entertained by representatives of British labor, with the result that in the following year a call for fraternity was sent to France through the agitation of the trade unionist, George Odger; and in 1864 a great international meeting was held in St. Martin's Hall, London.

At this gathering was founded the *International Association of Workingmen,* of which Marx and Mazzini were at first leading spirits. While the General Council was to have its seat in England,

each national group was allowed autonomy in local matters. International congresses were to take place each year, and these were actually held in various cities of the Continent up to 1873. The principles of the association, for which Marx was largely responsible, were generally socialist in character, looking toward the ending of "wage-slavery" through the action of the workers; their expression was far more moderate, however, than in the Communist Manifesto, and the successive congresses debated such practical questions as the public ownership of land and the value of voluntary cooperative associations.

The international union of workers was emphasized from the start, and the preamble recognized "truth, justice and morality . . . to all men without distinction of colour, faith or nationality."[22] The internationalism of the new organization was soon tested by the Austro-German War of 1866 and still more by the Franco-Prussian. Both these conflicts were strongly denounced by the Association, and the workers were called on to resist the second by a general strike. At a time when even Lord Bryce greeted with acclaim the establishment of Germany as a strong military power, German adherents of the International dared to protest openly against the annexation of Alsace and Lorraine.

The Association lasted barely ten years, the last of which were occupied with the disasters of the French Commune and with an internal struggle between Marx and Bakunin, the anarchist leader. The victory fell to Marx, and Bakunin was expelled, but the contest left the organization so weak that in 1872 its seat was transferred to New York, where four years later it passed out of existence.

[22] Kirkup. *History of Socialism*, p. 181.

The International Socialist Bureau

The eclipse of the International was only temporary, however. The seventies were the days of the upbuilding of political socialist parties in England, Germany, France and the United States, and in 1889 an *International Socialist Congress* was held in Paris, the first of a series of meetings every three years until the Great War. In 1900 an *International Socialist Bureau* was established, with headquarters at Brussels. This was composed of two representatives from each of the larger countries, and one from each of the smaller, with a Belgian executive committee and permanent secretary. While the International was not unlike a number of other unofficial associations in its scope and organization, it was unique as constituting the sole example of an international political party. The voting strength of this party throughout the world was estimated in 1914 at eleven millions.

As has already been said, Socialism is international largely because of its economic foundations. According to the Marxian philosophy, the class struggle marks the only important cleavage in society; in this the workers of all countries have a common interest, and international wars are diversions from the main issue, in which the worker bears the brunt of the suffering.[23]

Modern war, moreover, is to the Socialist a necessary accompaniment of imperialism, which is itself an essential bulwark of capitalism. Therefore the triumph of socialism will abolish war by doing away with its most fruitful cause.

While socialists are thus opposed to war and militarism, they are not necessarily non-resistant pacifists, though most socialist groups include a minor-

[23] Cf. Wm. McDougall, *The Group Mind*, p. 225 ff.

ity of this extreme type. It is important to bear this fact in mind, especially when reviewing the events of 1914.

As was to be expected, the new Socialist International lost no time in arraying itself in opposition to the armament race which marked the end of the nineteenth century. From 1891 to 1912 each Congress passed radical resolutions against war and militarism and brought into discussion methods by which Socialists might place power behind these resolutions.

The method followed by the German Social-Democratic Party was that of refusing all support to the military budget; by what may be a mere coincidence this practice was discontinued a year before the opening of the war. Protests of every kind were employed in all countries whenever rumors of war arose, and in the cases of the Moroccan dispute and the separation of Sweden and Norway it was claimed that these protests were of decided effect. At the outbreak of the Balkan War in 1912 a special International Congress warned the nations of the close connection between war and internal revolution.

From 1893 a moot question had been the advisability of calling a general strike of workers in the event of hostilities. This policy was supported by Vaillant of France and Keir Hardie, leader of the British Independent Labor Party, which was always strongly anti-militarist in policy, but because of its practice of cooperating with the existing government was unable to follow the German method of withholding support to the budget. The discussion came up at one congress after another, and came to a head at that of Copenhagen in 1910. The Hardie-Vaillant resolution, recommending the general strike

in the event of war, was rejected for the time being, and the question was referred for final settlement to the Congress of 1914, on the road to which the last delegates of the International were caught in the net of the World War.

The Break-up of the International

It is impossible to estimate the extent to which the events of 1914 might have been affected by a commitment to the general strike on the part of the International. When we consider that in Germany the Social-Democratic vote amounted to 4,238,919, and in Austria 1,081,441, we cannot but regret that this test was never offered. As it was, the war found the Socialists provided with peace time policies only, and with no common platform against military or auxiliary service.

After protests and demonstrations continued all the way to August first, the majority Socialists of most European countries gave up their opposition with the declaration of war and allowed themselves to be drawn into the trenches against their comrades. The International had again disappeared, far more tragically than before.

There were, indeed, strong Socialist parties in several neutral nations; and in a number of the belligerent countries, Russia, Serbia, Italy, Roumania, Hungary, and the United States, the majority group held to their internationalism to a greater or less extent throughout the war. In Great Britain the Independent Labor Party stood firm against the conflict, notwithstanding the policy of the Labor Party, with which it was politically merged. In Germany the Independent Socialists under Liebknecht soon developed a vigorous resistance which formed eventually a strong element in the fall of

the Empire; and large numbers of individual Internationalists in Great Britain, the United States, and even on the continent, served jail sentences because of continued protest against hostilities or refusal of military service.

Attempts to Revive the International

Naturally, vigorous attempts were made to revive the International, but for a time all these broke on the rock of nationalist suspicion.[24] Camille Huysmans, the Secretary of the International Socialist Bureau, transferred its seat to Holland, and for the entire period of the war devoted himself to unavailing efforts for the reunion of the broken International in a drive for peace. In 1915 a conference was held at Copenhagen, but this was attended only by the small neutral nations, while the Allied and the Central European Socialists held rival conferences in which each side supported its own belligerency.

Those Socialist parties, on the other hand, who had continued to oppose hostilities, and who were already indignant at the surrender of the German Social Democracy, now turned with equally strong criticism against the "Social Patriots" of the Inter-Allied group, and at the call of Italy gathered still another conference at Zimmerwald in September, 1915. The Russian Socialists represented the largest section in this conference, other groups coming from the smaller nations of Central and Eastern Europe. At Zimmerwald the only issue stressed was the International "War Against War." The Socialist Bureau was severely criticised for its inaction, but no suggestion was made of the formation

[24] For developments of the Internationals from 1914 to 1919, see Laidler, H. W., *Socialism in Thought and Action*, pp. 283-307.

of a Third International. The conference of 1916, at Kienthal, leaned more to the Left, and laid greater emphasis upon the class war.

The Third International

When the time arrived for the third conference at Stockholm in September, 1917, the Russian Socialist group had become fairly well identified with the point of view known as Bolshevism or Communism. Invitations were generally sent out by the Dutch, the Scandinavians, and the Russians, however, and the rising demand for peace throughout Europe seemed to make probable once more the reunion of the International, when the governments of the greater Powers proceeded to block the conference by a general refusal of passports. The moderate Socialist parties failed almost entirely of representation; the Russians held the controlling power; and the Third International was established.

The events of the Russian revolution and, later, the signing of the armistice, absorbed attention until 1919, when there met again two rival internationals, the Second at Berlin, participated in by the pro-war Socialists of both Allied and Central Powers, and the Third at Moscow, including the Communists of Russia, Italy and several of the smaller states. The problem of the Internationals had now become inextricably involved with that of adherence to the methods of the Bolsheviks, who issued a series of qualifications for the Third International, including acceptance of the dictatorship of the proletariat and the expulsion of all "social patriot" leaders. The dilemma was a serious one for those Socialist groups who had refused to support the war, but were not ready to accept the methods of Communism. French Socialism wavered between

the two organizations; the English radical movement divided itself upon the issue into groups and subgroups; the American party reached a compromise decision which applied for membership in the Third International, while reserving complete freedom in its own national tactics.

The Vienna Union

Meanwhile the Vienna Working Union of Socialist Parties appeared, known as the Second and a Half International, and including such midde-of-the-road leaders as the French Longuet and the Austrian Bauer; and by the winter of 1921 the situation of the International was generally chaotic. At this time, however, a sudden change of policy took place on the part of the Communist International. Dropping its program of dogmatism and expulsion, it issued a call "for the unity of the world Socialist and labor movement, of which, it was decided, the Communists should form the 'left wing.'" [25]

Attempts at Reconciliation

In January, 1922, the Vienna Union Executive, or Second and a Half International, declared its intention of calling a conference of the three groups, the conditions being "that all participating parties should stand for the principles of the class struggle, of the replacement of the capitalist system by the Socialist Commonwealth, and of the union of all proletarian parties for this object." [26]

In April a conference of representatives from the three Internationals was actually held in Berlin, and, after much discussion as to conditions for unity,

[25] *New York Call*, March 25, 1922.
[26] *Labor Age*, March, 1922.

a committee was appointed, three from each group, to lay the foundations for a future meeting of an International Congress and for a united working-class front. However, when the committee met on May 23rd, they found it impossible to come to any agreement, and two days later adjourned.

In the same month the *International Federation of Trade Unions,* representing twenty countries and twenty-four million workers, met in Rome. Attention was directed chiefly toward the abolition of militarism and the prevention of another war, and the Genoa Conference of that year was severely criticised for the exclusion of disarmament from its program. The Federation declared that it is "the task of the organized workers to counteract all wars which may threaten to break out in the future with all the means at the disposal of the labor movement, and if need be, to prevent the actual outbreak of such wars by proclaiming and carrying out a general international strike."[27] No immediate hope was extended, however, for the reconciliation of the two labor union groups, the Amsterdam and the "Red."

The Present Condition of the International

In the spring of 1923 the Communist International included the majority parties of Russia, France, Norway and Bulgaria; the Second included the British Labor Party (the Independent Labor Party belonging to the Vienna Union), and the majority groups of Belgium, Holland, Denmark, Sweden and Germany; the Vienna Union consisted of the Swiss and the American Socialist Parties and the Austrian majority Socialists, with important minority and one or two majority groups elsewhere.

[27] *Labor Age,* May, June, August, 1922.

The Italian majority party favored the Third International.

In May, 1923, a conference of the Second and Second and a Half Internationals took place at Hamburg, at which the union of the two groups was accomplished.

That the confusion of the International is but temporary, and analogous to the regression of democratic nationalism after 1848, is probable. Practically every institution of more than national scope has felt the disintegrating effects of the war. The International, moreover, could not but suffer from the tremendous reaction aroused against the Russian revolution, which had not only manifested an endurance beyond precedent, but also brought about such a wave of revolutionary activity as had been unknown since 1848 and which did not abate until the German and Austro-Hungarian monarchies had been overthrown along with the Russian.

Even in its present quiescent and divided state the International is perhaps more mature in its aims and tactics than in 1913. In every country the line has been clearly drawn, often at the cost of disastrous schisms, between the supporters and the non-supporters of "capitalist war," and the issue of anti-militarism, instead of being a mere logical or sentimental consequence of the class struggle, has now taken its place as an essential element in that struggle.

An outside observer characterizes the European situation as follows:[28]

> Political measures in the larger sense are taking priority over economic measures in the minds of the thinking proletariat. Its members are intent just now upon solidifying their international organization. They look forward to a

[28] Victor S. Clark, *Atlantic Monthly*, Feb., 1922.

united world proletariat, instead of to leagues of nations and the like, as the surest guaranty of permanent peace. This is good political strategy for the leaders, since the workingmen of Europe are interested to-day above all other things in preventing another war.

Internationalism and Imperialism

The international movement which we have been following is related to imperialism in that they are both economic in basis, the offspring of mature industrialism, tending to gather strength with its development. The two are diametrically opposed, however. Imperialism is part and parcel of the system of individual profit and world rivalry which socialism in the broad sense seeks to overthrow; and it is maintained by that militarism of which the international working-class is the natural enemy. The spirit of militarism, writes Ramsay Muir, "is the force most opposed to the international ideal."[29] The final clash of the two can be avoided only by a widespread reversion to an earlier stage of industry such as is now taking place in parts of Europe, or by a radical modification of Imperialism by some form of international government.

Internationalism and Nationalism

David J. Hill considers Internationalism the enemy of Nationalism as well as of Imperialism. Identifying it with Bolshevism, he says, "Nothing but a vigorous nationalism can overcome this insidious enemy, which would divide every house against itself."[30] A glance at the history of Internationalism, however, does not seem to warrant his conclusion.[31]

[29] *Nationalism and Internationalism*, p. 195.
[30] *Problems of American Policy*, p. 249.
[31] See Ramsay Muir, op. cit., p. 191 ff.

It was first conceived among the nationalist exiles in the period before 1848; and in its second stage of 1864 it attracted as leader such an ardent revolutionary patriot as Mazzini. "Your first duties," said Mazzini, "first not in point of time, but of importance—because without understanding these you can only imperfectly fulfil the rest—are to Humanity."[32]

While international Socialism, moreover, opposed from the outset the Imperialism of expanding states, it has always been closely associated with the struggles of oppressed nationalities. The International Socialist Bureau accorded full representation to Finland, Esthonia, and similar national groups as yet unrecognized elsewhere; and at present the various Socialist parties support to the utmost the claims of such submerged nations as India, China and Korea. Hayes distinguishes between internationalism and cosmopolitanism, and considers that contemporary Socialists are international because composed of nationalistic parties.[33]

It is true that, as the minority party, Socialists have traditionally stood in opposition to the existing political states; and an open anti-patriotism has characterized certain groups. It may be noted, however, that there has been little, if any, correlation between this attitude and active internationalism as tested by the World War. The British Independent Labor Party, which extremists at one time wished to exclude from the International because of its alleged willingness to cooperate with a "capitalist" government, was one of the few groups to refuse support to the war, and many of its members chose jail sentences rather than submit; the French anti-

[32] Sydney Herbert, op. cit., p. 10.
[33] In Duggan, op. cit., p. 40.

patriots, on the contrary, under Hervé, who had formerly suggested the turning of rifles upon officers when ordered to fire, were transformed by the events of 1914 into zealous chauvinists.

In the United States Mr. Wm. English Walling represented at the outbreak of the war an extreme type of "intellectual," who reproached the American Socialist Party for its leanings toward patriotism. "The trouble is," wrote Mr. Walling in February, 1915,[34] "that the Socialist parties in their present degeneration have evolved the clever idea that 'internationalism' is not opposed to 'nationalism.'" He quotes as too nationalistic a speech of Morris Hillquit, a typical leader of the American party, in which the statement is made, "The workman has a country as well as a class. Even before he has a class;" and declares that it ought to read, "The workman has a class as well as a country. Even before he has a country." After 1917, however, we find Mr. Walling a belligerent nationalist, and the American Socialist Party adhering to its internationalist platform at the cost of suppression in several states and the imprisonment of its leader, Eugene V. Debs.

The foregoing illustrations seem to indicate that there is no essential antagonism between internationalism and national loyalty. It may not be far wrong, accordingly, to use as a characterization of the radical workers' movement the expression of Ramsay Muir, "The twin causes of nationalism and internationalism."

1815 and 1919

The history of working-class internationalism thus far presents a rather close parallel to that of na-

[34] *The New Review.*

tionalism a century ago. Much farther developed at the outbreak of the World War than was nationalism at the beginning of the Napoleonic era, it received a corresponding stimulus during the upheaval, and in 1919, after its astonishing triumph in Russia, it appeared a far more imminent force than did nationalism in 1815. Each movement represented the extreme democracy of its day, and openly advocated revolution. Muir speaks of "the reactionaries of Metternich's school, whose thesis was that revolution was the greatest danger to peace;"[35] and this thesis seems to have been shared by the treaty-makers of Versailles.

The following, from the Troppau Protocol of Metternich's Quadruple Alliance, seems far from foreign to the point of view of 1919: "States which have undergone a change of government due to revolution, the results of which threaten other states, *ipso facto* cease to be members of the European Alliance and remain excluded from it until their situation gives guarantees for legal order and stability. . . . If, owing to such alterations, immediate danger threatens other states, the Powers bind themselves, by peaceful means, if need be by arms, to bring back the guilty state into the bosom of the Great Alliance."[36] Moreover, just as the statesmen of 1815 reverenced the dynastic principle of government in which they had been nurtured, ignoring the radical doctrine of nationality, so their successors of 1919, trained in the phrases of nationality and the actualities of Imperialism, refused to recognize the rising internationalist movement, but proceeded to write the Treaty of Versailles as that of Vienna

[35] Op. cit., p. 156.
[36] Duggan, Stephen, op. cit., p. 36.

should have been written, before Imperialism and the International were in existence.

Muir writes of the Metternich group that, in disregarding nationality, they "sowed dragon's teeth from which sprang all the wars and disturbances of the 19th century. Balked of its expected triumph, the nationalist cause took the form of secret conspiracies and underground organization."[37] Perhaps the only power which can prevent the completion of the parallel will be the institution of an international government which shall rightly take account of the movements of Nationalism, Imperialism, and the International.

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[37] Op. cit., p. 79.

CHAPTER VII

THE LEAGUE OF NATIONS IDEAL

While visions of universal peace have gleamed upon prophets of all ages, and experiments in international government have actually been attempted at intervals since the beginning of civilization, it was not till after the break-up of mediæval theocracy that the conception arose of substituting for war a permanent association voluntarily adopted by independent states.

Until our own time these conceptions were confined to the occasional isolated thinker, the "theoretical politician," upon whom Kant says "the practical politician looks down, with great self-complacency . . . as a mere pedant whose empty ideas can bring no danger to the state." [1]

The Grand Design

In fact, the first of these to attract attention, the Grand Design of Henry IV, whether actually the plan of that monarch at the instigation of Queen Elizabeth, or, as is quite probable, the unaided creation of his Minister, Sully, was not given to the world till after the death of both Henry and Sully, when it could no longer be considered a living issue.

The idea was certainly a grand one, a "Christian Republic" of fifteen states governed by a council of sixty-four plenipotentiaries holding office for three years. The nation as we now conceive it, however, did not exist for Sully; his "republic" was to

[1] *Eternal Peace*, Preface, p. 68.

consist of rulers rather than peoples. Moreover, the world-peace of the Frenchman's design was to be consummated only after the defeat of his rival, Austria, when the *status quo* could then be happily maintained.

The Abbé Saint-Pierre

Although the project of the Abbé Saint-Pierre in 1718 was also an alliance of sovereigns devoted to the maintenance of things as they were, it is modern in tone, and in its frank practicality suggests the 20th century even more than the Holy Alliance. Like both Versailles and Vienna, it begins operations by remodelling the map of Europe into a *status quo* according to its own taste. Sections 5 and 6 of his preamble might have served unchanged to introduce even the Disarmament Conference of 1921:

> In order to obtain for themselves reciprocally a very considerable diminution of their military expenditure, while increasing at the same time their security;
> In order to obtain for themselves reciprocally a very considerable increase of the annual profit which will be produced by the continuity and security of commerce.[2]

Saint-Pierre's plan was in outline that with which we have recently become familiar. The states were to bind themselves never to use war to settle disputes with one another, but to resort first to mediation or conciliation, and, that failing, to abide by the decision of the general assembly of plenipotentiaries. If any state should violate this agreement in any way, all were to unite in war against it. Expenses were to be shared *pro rata;* ordinary decisions were to be made by majority vote; but the covenant could be modified only unanimously. A

[2] Article I, quoted by Duggan, op. cit., appendix I.

feature of the argument opposed by Rousseau and later by Lord Castlereagh was its provision that the union should "render prompt and adequate assistance to rulers and chief magistrates against seditious persons and rebels."[3]

William Penn

The eighteenth century was destined to see the beginning of the nation as against the dynasty, and the reflection of the new views in the peace plans of Kant, Rousseau, and Voltaire. Even before the work of Saint-Pierre, however, a project had been published anticipating that thinker's in its clearness and common-sense, but free from the preconceptions of legitimism. This was *The Plan for the Peace of Europe,* dated 1693 and written by William Penn, called by Montesquieu "the modern Lycurgus," at once a religious non-resistant and a practical man of affairs. He takes the view that peace can be maintained by justice alone, and that Government is synonymous with the prevention of disorder and the means of securing justice. The purposes of war are three—to keep, to recover, to add, and, while the last purpose is not allowable, the first two demand adjudgement. Justice requires, therefore, a parliament of Europe where these cases may be adjudged, with the understanding that all members are to assist, by force if necessary, in carrying out the sentences of this parliament or court. In special cases it may be advisable to enforce reduction of armament. Penn supplements this ground-plan of a League by detailed recommendations—a three-fourths vote to be required, a secret ballot to be used, the voting power of the states to be frankly unequal and proportioned to wealth — suggestions

[3] Quoted by Hayes in Duggan, op. cit., p. 28.

which anticipate some of our twentieth century problems.

Penn's plan is notable in that "it was disinterested, and not, like Henry's, to be preceded by a political manoeuvre,"[4] and in that it belonged to the realm, not of dreams, but of practical politics, being brought before Parliament in 1710 by John Bellers, the Quaker philanthropist.

Kant's "Eternal Peace"

Less exact in its proposals than either St. Pierre or Penn, but so clear in its principles that he who runs may read, the essay on "Eternal Peace," by Immanuel Kant, has become a classic of international government. He lays down six preliminary and three definitive articles of an eternal peace between states, each of which strikes directly at one of the outstanding causes of modern war. The preliminary articles prohibit: "the secret reservation of material for a future war" in treaties; the transfer of a state without its consent; the standing army (eventually); the war loan; interference with the undecided internal struggles of other states; and the employment of such methods of hostility as would render future confidence impossible. The definitive articles prescribe: first, that "the civil constitution in every state should be republican;" second, that a federation of free states shall be founded rather than a super-state; and third, that the rights of men as citizens of the world shall be restricted to hospitality.

The recommendations of Kant differ from those of his predecessors in attacking the causes of war rather than providing substitute machinery. It is of interest that the nine propositions of the meta-

[4] Hicks, op. cit., p. 70.

physician of 1795, although supported by arguments from "Nature" long out of date, yet contain not one principle that is not a present issue. At least six of the Fourteen Points are anticipated, and propositions laid down as to absolutism, armament, war loans, secret diplomacy, self-determination, intervention, methods of warfare, and the League of Nations, which, if followed, would have rendered the events of 1914 an impossibility.

Perhaps the most remarkable of Kant's articles is the last, which levels a direct attack at the Imperialism which was not to reach full development for nearly a century, by striking at its chief pretext, the enforcement of personal rights in undeveloped foreign countries.

"The question," he explains, "is not about a relation of philanthropy, but one of right. Hospitality here indicates the right of a stranger in consequence of his arrival on the soil of another country, not to be treated by its citizens as an enemy. As a stranger he may be turned away, if this can be done without involving his death; but so long as he conducts himself peacefully in the place where he may happen to be, he is not to be dealt with in a hostile way. The stranger may not lay claim to be entertained by right as a guest, . . . he may only claim a right of resort, or of visitation. . . . But this right of hospitality as vested in strangers arriving in another state does not extend further than the conditions of the possibility of entering into social intercourse with the inhabitants of the country." [5]

To leave no doubt as to his meaning, Kant condemns specifically the treatment of the aboriginal inhabitants in America, in Africa, and in the East Indies, where, "under the pretext of intending

[5] *Eternal Peace*, pp. 86-87.

merely to plant commercial settlements, the Europeans introduced foreign troops, and with them oppression of the natives, instigation of the different States to widespread wars, famine, sedition, perfidy and all the litany of evils that can oppress the human race."[6] He commends the wisdom of eighteenth century China and Japan in limiting their intercourse with the outside world, and sums up his discussion of "the white man's burden" by the outburst, "And all this has been done by nations who make a great ado about their piety, and who, while drinking up iniquity like water, would have themselves regarded as the very elect of the orthodox faith."[7]

In not one of Kant's nine principles had the Europe of 1914 shown appreciable progress since his time.

Bentham

A great Englishman, Jeremy Bentham, had in 1789 partially completed "A plan for universal and perpetual peace." This plan was abreast of twentieth century liberalism in proposing the limitation of armaments by general treaties, the elimination of the colonial system, and the establishment of a combined legislature and world court, which should enforce its decrees "by public opinion through the press and printed manifestos," and as a last resort by putting a state "under the ban of Europe."[8] Unfortunately the plan did not see the light till 1843, and so failed to influence the stormy period in which it was propounded.

[6] *Ibid.*, p. 88.
[7] *Ibid.*, p. 89.
[8] Hicks, op. cit., p. 72.

The Nineteenth Century

By the nineteenth century the stage of history had changed. Dynastic wars had practically disappeared; struggles first for nationality and later for imperial power were occupying the Western world. Proposals for state leagues of peace fell into the background, and in Europe their place was partly taken by the summons of working-class internationalism.

A link between the two may be found in the propaganda of such non-Marxian, or "Utopian," Socialists as Saint Simon and Fourier in the early nineteenth century. According to the French liberal Puech, these deserve large credit for the design of a League of Nations. He quotes the Saint-Simonians as looking forward to a society embracing the entire world, "une innombrable et fraternelle population n'ayant plus qu'une même interet et qu'une même pensée, l'exploitation complète et mèthodique de la planète."[9]

This was the period, moreover, for the beginning of organized pacifism, the New York Peace Society being founded in 1815, the English Peace Society in 1816, and the American in 1828. It was through the initiative of the latter society that various essays on a Congress of Nations were produced, culminating in that of William Ladd in 1840. Ladd proposed an international legislative congress, enforcement by good will and public opinion alone (armies being used internationally only for police duty); and, as an entirely distinct feature, a Court of Nations, made up of two judges appointed by each state.[10] Ladd's was the first published proposal for a world

[9] *La Tradition Socialiste en France et la Societé des Nations*, J. L. Puech, p. 4.
[10] Hicks, op. cit., p. 74.

court separate from the legislative body of the League.

For some years after Ladd's essay the only noteworthy plan of confederation which appeared was that of James Lorimer, of Edinburgh, in the eighties. This plan differs from most of the others here mentioned in proceeding not from a reformer pure and simple but from a representative of the established order. It will be considered in connection with the more recent proposals.

The apparent decline of interest in the League plan during the period preceding the Great War indicates not so much a lull in internationalist activity as a preoccupation with arbitration schemes and The Hague Conferences. It was the loss of faith in these methods, perhaps unwarranted, brought about by the incidents of the war, that stimulated once more the formulation of plans for a more binding association.

The War Period

The multitude of proposals submitted between 1914 and 1919 varied from general endorsements to detailed constitutions, from brief provisions for the settling of disputes to recommendations dealing with all the ascertained causes of international friction.

General suggestions for international organization when the war should end were put forth in various countries by liberal and radical groups too numerous to mention. Such societies were the *Bund Neues Vaterland* and the *Freudensgesellschaft* in Germany and the *French League of Nations Society* under Buisson, Thomas, and Prudhonneaux. Only one detailed plan of importance, however, has emanated from the Continent, that of the Socialist *Senator La Fontaine, of Belgium,* published in 1916.

The first group of Anglo-American proposals were brought forward in 1915 by the *British League of Nations Society* (March), the *American Socialist Party* (May), the *American League to Enforce Peace* (June), and the British *Fabian Society* and *Bryce Committee* (July). The second of these was to a great extent an adaptation of the Minimum Program of the *Central Organization for a Durable Peace,* an international gathering held at The Hague in April, 1915. In February of the next year President Wilson endorsed in his Des Moines address the general idea of international organization; in October he used the term "League of Nations;" and in December he made the suggestion of after-war cooperation in his identical note to the warring nations. Meanwhile, in November, both Lloyd George and Viscount Grey had given public support to the League, and the various replies by the European governments to President Wilson's note gave almost universal assent to the idea.

The Armistice Period

The fundamental principle of the League having thus been generally accepted, the second group of detailed British and American proposals, in 1918, dealt largely with such by-problems as secret diplomacy, economic opportunities, and the status of weak nations. President Wilson's *Fourteen Points* and Metropolitan Opera House address belong to this group, as do the programs of the *British and American League of Free Nations Societies* and the *Victory Program of the League to Enforce Peace.*

There is one post-war proposal worthy of mention—the so-called *Outlawry of War,* formulated in 1919 by Senator Knox and Salmon O. Levinson, and brought before Congress in 1923 by Senator

Borah. In theory it is ultra-radical, declaring that "the further use of war as an institution for the settlement of international disputes shall be abolished," and "war between nations shall be declared to be a public crime, punishable by the law of nations." Since, on the other hand, the plan "does not call for an abatement of armaments beyond the point of safety," and provides that "the right of defense against actual or imminent attack shall be preserved;" since, moreover, it leaves quite undetermined the method of punishing war under the law of nations, its significance apart from mere protest lies almost wholly in its practical suggestions towards international government, which will be noticed along with the war-time programs.

The League Essentials

The League essentials are clearly stated by the *League to Enforce Peace:*

> We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:
>
> First: All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitation of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.
>
> Second: All other questions arising between the signatories and not settled by negotiation, shall be submitted to a council of conciliation for hearing, consideration, and recommendation.
>
> Third: The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.

(A note interprets the above to direct the employment of diplomatic and economic pressure against

threatened, and of military force against actual hostile acts.)

Fourth: Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the judicial tribunal mentioned in Article One.

The only important variation in the different proposals from the provisions of the League to Enforce Peace is in Article III of the *Socialist Party Program,* which reads as follows:

"International Federation, the United States of the World"

(a) An international Congress with legislative and administrative powers over international affairs and with permanent committees, in place of present secret diplomacy.

(b) Special commissions to consider international disputes as they may arise, the decisions of such commissions to be enforced without resort to arms; each commission to go out of existence when the special problem that called it into being is solved.

The *Fabian Program,* however, which offers a detailed constitution for the League, gives a list of questions which should be considered justiciable, and suggests twelve non-military sanctions to be employed in enforcing the common decrees; and the proposal for *The Outlawry of War* provides for no council of conciliation, but makes much of the codification of international law, and of the affirmative jurisdiction of the world court over all classes of disputes that are not specifically excluded by the code. "The new code must itself state what causes are within the jurisdiction of the court and what are not, and must not allow an individual country to decide the matter for the court."

There is thus a practical unanimity in fundamentals among the League programs. The real problems appear for the most part in the later plans, differences of opinion centering around the questions of membership, equality of states, democracy of constitution, and the nature of the executive.

The Executive

The last subject is in most cases left vague. However, both the *British League of Free Nations Society* and the *Victory Program* of the League to Enforce Peace provide for a separate executive body with authority. *Lorimer's plan* (1883) not only prescribed a separate executive, but suggested that a special professional training be instituted for its prospective members, in order that the old diplomatic service might be succeeded by an equally dignified international service. *J. A. Hobson, of the Bryce Committee,* proposes three separate departments. "A very little consideration," he says, "is required in order to rule out the . . . proposal, to give executive powers to the Arbitration and Conciliation bodies. Neither the type of man required for the work of Arbitration and Conciliation, nor the public status of the Court and Committee, will be suitable for the exercise of important executive powers." [11] He suggests, therefore, a Court of Arbitration, a Council of Inquiry and Conciliation, and "an Executive which shall be as representative and as genuinely international as the bodies which perform the functions of arbitration, inquiry, and conciliation. This, of course, involves an action requiring great faith and courage, viz., the creation of a permanent International Council, elected by the constituent nations upon terms similar to those laid

[11] Hobson, J. A., *Towards International Government,* p. 101.

down for the Conciliation Committee and entrusted with those deliberative and executive functions which in a feeble and spasmodic way are wielded by the Conference of Foreign Ministers meeting, usually too late, in times of crisis." [12]

Membership

As to the membership of the League we find decided differences of opinion. Hobson insists upon the inclusion of Germany, and the British League of Nations Society invites every civilized nation. The Fabian Program includes specifically all belligerents, all states represented at The Hague who should apply within six months, and any other sovereign states at the discretion of the Council. Later proposals show the effect of three years of war in confining the charter membership, at least, to the Entente Allies—the Victory Program by frankly suggesting a nucleus of victors, the French plan and that of the British League of Free Nations Society by stipulations as to guarantees.

Equality

Except for an ambiguous reference in the French plan ("All sovereignties are equal before the law"), the only demand for equality of states comes, perhaps naturally, from the Belgian La Fontaine. Inequality in favor of the Great Powers is, we learn also without surprise, considered necessary in all British and American plans that touch upon the subject, including those of the Fabians, the British League of Free Nations, Professor Lorimer and the Victory Program.

"Whatever theoretical validity," writes Hobson, "may be claimed for the view that all States, irre-

[12] *Ibid.*, p. 109.

spective of size or territory, strength, population, or civilized status, ought to be equally represented upon the Council of Nations and its courts and committees, no such international arrangements as we contemplate could be operated upon such a basis. Nor is it reasonable that they should."[13] He goes on to suggest as a "serviceable starting-point," the representation adopted for the International Prize Court at The Hague, adding that "no present purpose is served by endeavoring to work out any close basis for such representation."[14]

Democracy

The problem of democracy is dealt with in but few programs. The Socialist Party, as is to be expected, demands "democratic control of foreign policies;" the Victorian Lorimer, while excluding the purely democratic state even from the pale of recognition, yet insists upon a degree of popular control corresponding to that of the British government of his day; he secures this control by making each national delegation in the League responsible to the Legislative rather than to the Executive, and eventually to the voters of the member state. Hobson considers it impossible to prescribe the method of appointing representatives in general, but suggests that the more democratic nations should adopt, if not the method of direct popular election, that of choice by an electoral college, whose basis might be partly occupational. The American League of Free Nations Association declares that "effective popular representation must be insisted upon," and demands "some representation of the peoples in a body with legislative powers over international affairs—which

[13] Op. cit., p. 63.
[14] *Ibid.*, p. 167.

must include minority elements—as distinct from the governments of the constituent states of the League." [15]

The organization of international government, however, as Penn, Kant and Bentham long since foresaw, is not to be accomplished by a mere constitutional device. Problems as complex as that of the League itself cluster around it, conspicuous among these being the subjects of secret diplomacy, economic barriers, disarmament, and the status of small and backward countries. Lorimer, La Fontaine and Hobson all dealt more or less with these fundamental questions, but the group of proposals put forth by various associations at the outbreak of the War tended to absorb themselves in the mere mechanics of the League until the revolutionary wave of 1917 had turned men's minds away from the externals of internationalism to the more fundamental problems recognized by Kant. In January of 1918 appeared the Fourteen Points of President Wilson, followed by the proposals of the League of Free Nations Associations, and the Victory Program of the League to Enforce Peace.

Disarmament

The problem of disarmament receives drastic treatment in only three plans, those of the Socialist Party, Senator La Fontaine, and "The Outlawry of War," which demand respectively:—no army and navy appropriations; a reduction of armies to police necessities with an abolition of all but the international navy; and publicity of armaments, "structural and chemical," with the substitution of citizen for professional armies. Lorimer proposes a general reduction, and Hobson makes the possibility of

[15] Quoted in Phelps, op. cit., p. 49.

disarmament treaties a chief end to be gained by the creation of the League. One of Wilson's Fourteen Points provides for the limitation of armament, as does the British League of Free Nations Program. It is noticeable, however, that but few of these plans are ready to go as far in this direction as was Kant in 1785 or the Tsar in 1899.

Secret Diplomacy

With regard to secret diplomacy, on the other hand, the proposals of the war period, made wise by the disasters of 1914, go farther than Kant, who attacked not so much secrecy in general as the evil of secret reservations toward a future war. The more or less radical plans of the Socialists, of La Fontaine, and of the Fabians demand the abolition of secret treaties, and after Wilson's point as to "open covenants, openly arrived at," we find the League of Free Nations Society and even the fairly conservative Victory Program including this specific proposal.

The Backward Country and Trade Restrictions

We notice little connection of the basic matters of Imperialism with League plans until 1918. Both La Fontaine and Hobson, however, entered at length into the problems of economic restrictions and of backward countries, demanding the removal of artificial trade barriers and the administration of undeveloped areas by disinterested agencies responsible to the League.

"There can be no denial," writes Hobson, "of the dangers of an abuse of international power. But the more completely international it becomes the less frequent and less injurious will these abuses be."[16]

[16] Op. cit., p. 146.

While La Fontaine and the American Socialists demand self-determination for the weaker nations, Hobson foresees the difficulties attendant upon setting up so-called independent buffer states, and proposes instead the establishment of autonomy rather than sovereignty wherever a self-conscious population desires it.

Again the publication of the Fourteen Points, with their provisions for self-determination, removal of economic barriers, and disinterested guardianship of the former German colonies, marks the emergence of several demands from radicalism into the consent of general public opinion; we find the last-named proposal in the plans of both the British and the American League of Free Nations Associations, and in the Victory Program of 1918.

Summary

In the foregoing review of the ideals of international government that inspired reformers from Henry IV to the end of the World War, we have found, on the whole, a surprising harmony. All have centered in the great idea of a League of Nations, bound to have no recourse to war with one another until all other methods of settling disputes have been tried, and to unite forces against any violator of this compact. Almost all the modern plans have provided specifically for a world court for the trial of justiciable cases, and a council of conciliation for the settlement of non-justiciable. After practical unanimity as to these essentials, the devisers of international government have considered the unsettled problems of the League, and have gone far toward determining the policy to be pursued both in the internal matters of membership, equality of states, democracy, disarmament and the nature of

the international executive, and in the external problems connected with imperialism. The Versailles Conference did not blaze a trail; the path of international government had been at least well-surveyed by the end of the War.

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CHAPTER VIII

THE LEAGUE COVENANT

The Allied statesmen of 1919 were not blind makers of history, pushed on by necessity to unforeseen experiments; nor were they impotent pamphleteers striving to win to their views a preoccupied world. Carefully wrought plans were at their disposal, with the living services of their originators; the power of the world was in their hands, as it had been in no hands since those of the Cæsars; the enthusiasm of nations tired with war promised support in their farthest undertakings.

The result of their efforts is embodied in the League Covenant of 1919, and in the actual accomplishments of the League of Nations during the three or more years of its existence. In connection with these must be reviewed certain outside activities of the Concert of Powers, with their reactions upon the official League and upon the nationalist, internationalist and imperialist phenomena of the time.

Essentials of the Covenant

The essential provision of the League Covenant, as of the plans noticed in the previous chapter, is the agreement by members "in no case to resort to war" with one another before the employment of arbitration or inquiry, and to unite their forces against any state which may violate this agreement.[1]

[1] Articles 12, 16.

The Council and Assembly

The chief bodies created under the Covenant, however, are not the usual tribunal and council of conciliation, though these also appear in the League provisions, but an Assembly and a Council, each of which unites in itself the legislative, executive and judicial functions. All the member states are represented in the Assembly, having one vote each and representatives not to exceed three. According to the original Covenant the Council was to include nine states, of which the five Great Powers of 1919, Great Britain, France, Italy, Japan, and the United States, were to hold permanent seats, while the other four were to be elected by the smaller powers. Voting and representation within the Council are equal; its membership may be increased subject to the approval of both bodies, but no provision is made for its reduction.

The permanent membership was reduced to four at the outset by the failure of the United States to enter the League. In November, 1922, moreover, the Council, with the approval of the Assembly, raised the number of non-permanent members to six. In announcing this decision, the Council suggested the advisability of a future increase in the number of permanent members, and explained that under the unanimity rule the question of a majority did not rise in their body.[2]

The Assembly and the Council are to meet "from time to time," the former "at stated intervals," and the latter "at least once a year." (Art. 3-4.) Actually the Assembly has met yearly, and the Council at intervals of a few months.

Each "may deal at its meetings with any matter within the sphere of action of the League or affect-

[2] *Monthly Summary of the League of Nations*, vol. II, No. 9.

ing the peace of the world." In practice, however, almost every decision of importance is reserved for the Council, or at least requires its concurrence. The independent actions which the Assembly may take are confined to admitting new members, advising the reconsideration of treaties, and considering international difficulties.

Decisions of both bodies must be unanimous except in matters of procedure, the appointment of committees, the admission of League members, and cases of inquiry referred under special conditions to the Assembly.

Procedure Regarding Disputes

The distinction between justiciable and non-justiciable disputes is recognized, though the words themselves are not used, disputes as to international law, the interpretation of treaties, etc., being deemed "suitable for submission to arbitration." (Art. 13.) Any arbitral tribunal may be employed by disputing parties, but the proposal is revived for the creation of a Permanent Court of Justice, voted but never established by the Second Hague Conference.[3] The actual founding of this court is one of the achievements of the League.

Members bind themselves to carry out the award of arbitrators, and to refrain from war against any other member "which complies therewith." Six months are allowed for the award, and three months more must elapse before any resort to war. The time allowance is similar to, though shorter than, that allowed by the Bryan Treaties, and applies to reports of inquiry as well as arbitral awards.

It is the settlement by the Commission of Inquiry that is of special interest in the prevention of war,

[3] Articles 13-14.

for "practically all the wars in the past hundred and fifty years have started from non-justiciable causes."[4] An important difference appears here between the Covenant and former League ideals, for, instead of providing for submission in general to a council of conciliation or for the establishment of a permanent conciliation council under extreme safeguards of impartiality, the covenant prescribes that the League Council, a practical executive committee, shall act also as the permanent council of inquiry, before which all non-justiciable disputes must be brought.[5] At the request of either party to a dispute, any case may be referred to the Assembly instead of the Council, but any decision thus arrived at must be concurred in by the nations represented on the Council. In every settlement of a dispute by either Assembly or Council, unanimity is understood as exclusive of the representatives of those nations which are parties to the dispute.

Procedure as to War and Aggression

Members agree never to go to war with one another before submitting a dispute to arbitration or to the Council, or with any nation that has obeyed the award made by the court or the unanimous report of the Council if such has been arrived at.

Any member resorting to war in violation of these provisions shall immediately be subjected to financial, commercial, and personal boycott by all other members.[5] No definition of "war" is given, and no authority is made responsible for notifying members of such violation; but the Council is empowered to expel members for violation of the Covenant and to take what steps it deems best against any nation

[4] Knox and Levinson, op. cit., p. 17; see also Lowell in Duggan, op. cit., 98.

[5] Article 15.

failing to carry out an arbitral award. In the case of boycott as above, the Council is "to recommend to the several governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League."[6]

The power of the Council does not stop here. "Any war or threat of war, whether immediately affecting any of the members of the League or not," is to be an occasion for the Council, summoned by the Secretary-General at the request of any member, to "take any action that may be deemed wise and effectual to safeguard the peace of nations."[7]

Furthermore, if a dispute arises between a member and a non-member, or between two non-member States, the outsiders are to be "invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just." If the outside State refuses the invitation and proceeds to make war against a member, the penalties of Article Sixteen are nevertheless to be applied, and if two non-member States decline to accept, the Council "may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute."[8]

As regards the internal relationships of the League, all members, according to the famous Ar-

[6] Article 16. An amendment approved in 1921 alters these provisions in two important respects. First, the action against a covenant-breaking state is limited to commercial, financial and personal non-intercourse; and, second, the Council is empowered "to give an opinion whether or not a breach of the Covenant has taken place," and to notify all members as to the date when the measures of economic pressure shall come into force. (See the amended text in Appendix I.)

[7] Article 11.

[8] Article 17.

ticle Ten, are to "undertake to respect and preserve as against external aggression the territorial integrity and existing political independence" of one another, in other words, the *status quo*. "In case of any such aggression or in case of any threat or danger of such aggression," it is the Council, again, that is to "advise upon the means by which this obligation shall be fulfilled."

As has been mentioned, the problems of the League center largely around the matters of membership, the executive, equality of states, and democracy of constitution.

The Executive

The Executive Department of the League consists of a permanent secretariat responsible to the Council, with the provision that the Secretary-General must be approved by a majority of the Assembly. The Secretariat is to have jurisdiction over such subordinate organizations as the International Labor Bureau, and of all the "international bureaux already established by general treaties, if the parties to such treaties consent."[9] As has already been indicated, the Council itself constitutes the Executive of the League in all other than routine matters.

Membership

Membership in the League was offered in the Covenant to forty-four states by name, the British colonies of Canada, Australia, South Africa, New Zealand and India being considered as states. Conspicuous exclusions were the Central Powers, Russia and Mexico, while invitations were extended to Haiti, Siam, Liberia, and the Arabic principality of the

[9] Article 24.

Hedjaz.[10] Any other state may be admitted in future upon the vote of two-thirds of the Assembly, "provided that it shall give effective guaranties of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments."[11]

Democracy

The League Covenant makes no suggestions regarding any degree of democracy in member nations; the states chosen as permanent Council members include two republics, two constitutional monarchies, and one autocracy, in the relative sense in which the word must be used in this century. No provision is made as to the manner in which representatives are to be chosen, or as to their responsibility to the people of their respective nations.

Equality

The problem of equality is met, as has already been indicated, by giving every member one vote and no more than three representatives in the Assembly, but placing all important prerogatives in the hands of the Council of nine (later ten), which the five Great Powers were to have permanent seats.

Diplomacy

Open diplomacy and limitation of armaments, so vigorously stressed in the Fourteen Points, are given each a separate article in the Covenant. Article Eighteen directs that every treaty entered into by a member of the League shall be registered with the Secretariat and published by it "as soon as pos-

[10] Hedjaz or Hejas appears in the *Statesman's Year-Book* for 1913 as a Turkish vilayet of 96,500 square miles, numbering 300,000 persons, a density of three to the square mile.

[11] Article 1.

sible," no definite time limit being given. It is further provided that "no treaty or international engagement shall be binding until so registered." The omission of the words "and published" after the above seems to make it possible for a treaty to remain for an indefinite period in the hands of the Secretary, known only to the Secretariat and through it to the Council, but yet binding in International Law.

Limitation of Armaments

Article Eight contains general recognitions that "the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations," and "that the manufacture by private enterprise of munitions and implements of war is open to grave objections." It directs that the members shall "interchange full and frank information" as to all matters of armament, but provides no means for the enforcement of this provision.

The degree and manner of reduction are left entirely in the hands of the Council. A flat reduction is not suggested, but the Council is to take "account of the geographical situation and circumstances of each state" in formulating plans. These are to be submitted to the members, and subject to revision every ten years. Only after adoption by the several governments are the limits of armament to be binding, and even then they can be exceeded with the concurrence of the Council.

Economic Restrictions

The problem of economic barriers receives attention only in Article Twenty-three of the League

Covenant, in the general statement that the members "will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all members of the League." The only specific regulations for the securing of such freedom appear not in the Covenant itself but elsewhere in the Versailles Treaty, where Germany is forbidden to impose certain export duties.

Small Nations

Self-determination is another problem dealt with in the Treaties rather than the Covenant. Accordingly, consideration is given to the claims only of such freedom-desiring nations as were formerly under the control of the Central Powers. In general these are made into independent buffer-states; on the other hand, boundaries are rearranged in such a manner that several irredentist territories are again created.

Undeveloped Countries

The knottiest problem of Imperialism, the undeveloped or backward territory, has been dealt with under the Covenant by a new device, usually credited to General Smuts, that of the mandate.[12] After a general statement of the "principle that the well-being and development of such peoples form a sacred trust of civilization," the plan is laid down "that the tutelage of such peoples should be intrusted to advanced nations who, by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League." Three classes of mandates are provided

[12] Article 22.

for: the first, including former dependencies of Turkey, are to receive practical autonomy with a voice in the selection of the mandatary; the second, chiefly peoples of Central Africa, are to be completely subject to the mandatary, on the condition of free trade opportunities for the League and under certain restrictions as to freedom of conscience, military utilization, and the prohibition of moral abuses; the third class comprises certain Pacific islands and sparsely settled districts which are to be administered as integral portions of the territory of the mandatary, subject "to the safeguards above mentioned in the interests of the indigenous population." The Council is to supervise the mandates with the aid of a permanent commission, and shall receive an annual report from each mandatary.[13]

Sundry articles of the Covenant deal with the Labor Bureau, the Red Cross, and other matters of somewhat routine character.

Amendments

The most important provision remaining is that relating to amendments. These "will take effect when ratified by the Members of the League whose representatives compose the Council and by a majority of the members of the League whose representatives compose the Assembly." A member which refuses to be bound by such an amendment may resign from the League.

Summary

The League Covenant of 1919, like most of the plans that preceded it, has as its essential a group

[13] In this volume the word "mandatory" has been used for the adjective and "mandatary" for the noun, except in quotations from documents, in which "mandatory" is sometimes employed for both parts of speech.

of nations pledged not to make war upon one another until arbitration or conciliation has been employed. The special institutions of the Assembly and Council are peculiar to the League, while the regulations as to the peaceful settlement of disputes conform in general to those of the Hague Conventions. The procedure as to war and aggression centers around the international boycott, but is lacking in such detailed recommendations as would seem necessary to make the boycott effective. The various problems of international government are dealt with more or less adequately; the problem of democracy, for example, is generally ignored, while that of the backward territory is carefully worked out by means of the mandate system. The most conspicuous characteristic of the League, and the element in which it differs most sharply from previous plans, is the unusual power, legislative, executive, and judicial, given to the Council, and the assurance of permanent power in this council to the five great victors of 1918.[14]

[14] The League Covenant as existing in 1923 will be found in an appendix at the end of this volume.

CHAPTER IX

THE LEAGUE AND NATIONALISM

We have sketched the outline of the League Covenant. Our next task is to examine as far as possible its practical workings and the extent to which these have risen beyond or fallen short of the provisions of the Covenant. We will make no attempt to sketch the course of world history since 1919, but merely indicate where possible the impingements of the League upon that history, endeavoring to keep in sight its relations to the movements of nationalism, internationalism and imperialism.

The Establishment of the League

The League Covenant was adopted April 28, 1919; the Versailles Treaty was signed June 28 and ratified January 10, 1920, at which date the League came into existence. The Council held its first meeting on January 16, with Belgium, Brazil, Greece and Spain as the non-permanent members.

A serious check was experienced at the outset in the refusal of the United States to accept membership, a refusal based partly upon the circumstances of domestic politics, but chiefly upon the time-honored American policy of isolation. In estimating the achievements of the League, accordingly, we must always make allowances for this unexpected source of weakness. The power of the League as a world-force cannot fail to have been materially less

than was contemplated by its founders, especially in view of the acknowledged economic supremacy in which America was left by the war. As far as the quality of the League's influence has been concerned, we need make no very great allowance for the absence of our country from its counsels, for the history of the Peace Conference shows little evidence of any effectual pressure exerted by the United States upon the policy of reconstruction adopted at Versailles. In fact, so far as the American criticism of the League has been based upon fear of a super-state and entangling alliances, we may even conclude that the presence of our government upon the Council might have constituted an element of weakness rather than strength.

Ten Council meetings, including in all thirty days, took place before the first session of the Assembly in November, 1920.

A large portion of the League's activities had already been blocked out by the Treaty and involved few problems of policy. Among these responsibilities were the administration of the Saar Valley, a district placed under the sovereignty of the League for fifteen years, and that of Danzig, a city to enjoy permanent autonomy under the protection of the League. At the February meeting of the Council a High Commissioner was appointed to superintend the drawing up of a constitution for Danzig and to serve as general mediator between Polish and German interests in that city; and a commission of five, of different nationalities, was set over the Saar Valley and its 650,000 inhabitants.

The Secretariat

A second field of League work lies in the supervision assigned it by the Covenant over "interna-

tional bureaux already established by general treaties," especially over the Red Cross organizations, and such activities as the maintenance of humane conditions of labor and the control of disease and objectionable traffic. This work in general falls to the lot of the Secretariat, along with the special duties of the registration of treaties and the receiving of mandatory reports.

The Secretariat was the first League body to get under way, and it soon established various sections, including the Legal Section, to act as expert authority on treaties and conventions, and the Economic and Financial Section, an information bureau for all the organizations of the League.[1] Special secretaries exist for communication with the voluntary international bureaus.

This general phase of the League's work represents, to be sure, largely a gathering together of previously existing activities, the routine functions where, as suggested in a previous chapter, there is little to interfere with international cooperation. As an official commentary suggests, however, the Secretariat "has immense possibilities of usefulness. A reliable supply of facts and statistics will in itself be a powerful aid to peace. Nor can the value be exaggerated of the continuous collaboration of experts in matters tending to emphasize the unity rather than the diversity of national interests."[2]

The Permanent Court of International Justice

A very important responsibility of the League has been the organization of the Permanent Court of International Justice, projected by the Second

[1] *What the League of Nations Has Accomplished in One Year*, Chas. H. Levermore.
[2] Sweetser, Arthur, *The League of Nations at Work*, p. 90.

Hague Conference, but never achieved by it. A committee of jurists, upon which Mr. Elihu Root consented to serve, notwithstanding the aloofness of the United States, performed the difficult task of selecting from the rich mass of existing material a plan to be submitted to the Assembly through the Council. This plan was made possible by the existence of the League itself, in that it provided "for the election of judges by the Assembly and Council from a list of persons nominated by the national groups in the Court of Arbitration generally known as the Hague Arbitration Court."[3] Thus were satisfied the demands of the smaller nations for equality in the election of judges, upon which the Hague project had gone to pieces.

The new plan was adopted by the Assembly of 1920, and a panel of eleven judges and four deputies was elected in September, 1921. In this election the Council and Assembly voted separately, and "a clash between the two organizations" made five ballots necessary.[4] General satisfaction was expressed with the result, which included the election of John Bassett Moore, of the United States.

The Permanent Court of International Justice was formally opened on February 15, 1922, in the Peace Palace at the Hague, ready to function in June. The first case to be brought before it was a question regarding the selection of an international labor delegate by the Dutch government. On May 12 the court was thrown open to the entire world by the decision of the Council that Russia, Germany, Turkey, Hungary and Mexico could bring cases before the court upon agreement to accept its decisions. In 1923 the proposal was made by President Har-

[3] G. W. Wilson, *First Year of the League of Nations*, p. 16.
[4] *Current History*, Nov., 1921.

ding that the United States should become a member of the World Court while remaining outside the League of Nations. The Senate refused its sanction to this participation, and the matter became an issue in the United States.

Nationalism and the League

As has been noted, on the other hand, it is neither in the field of arbitration nor in that of routine mutual aid that the crux of international government is reached, hardly even in the task of administering a conquered population such as that of Danzig or the Saar Valley. Where the difficulty begins is in the conflict of rival interests or in the impact upon the *status quo* of a moving force such as nationalism.

By 1919 the aspirations of the nationalist movement had become a *fait accompli* in the greater part of Europe. The Balkans, however, were still seething with the struggles of unrecognized nations; territories in Asia and Africa were clamoring for independence of Western rule, and at the door of Great Britain Ireland was still fighting the 19th century fight of nationalism. Self-determination had become a slogan of the Allies, and the Treaties of Versailles, Saint Germain and Sèvres, of whose structure the League Covenant was a part, dealt consciously with its problems.

The treaties, however, could not, and the Covenant did not, consider the claims of those nations desiring relief from Allied rule. The nationality problems in Egypt, India, Ireland, Korea, and the Philippines, countries aroused, each in its own way, by the events of the war, remained untouched by the international government of the Allies, as the problems of nationality in Europe had remained untouched by the Holy Alliance.

With the former dependencies of the Central Powers and of Russia, on the other hand, the Powers allowed themselves a free hand in the creation of sovereignties. Poland and Czecho-Slovakia were immediately restored to their ancient freedom, and the Serb-Croat-Slovene state attempted, in an integration of Serbia and Montenegro with portions of other territories, to satisfy aspirations for a united race. Encouragement was extended to the Baltic states who desired to break from Soviet Russia, and to the nations of the Near East revolting against the Sultan. On the other hand, the racial integration of the Germans of the two Central Empires was forbidden.

Although the complex problems of nationality had formed the subject of careful research during the latter years of the war, the adjustment of national boundaries was far from satisfactory completion in the Peace Treaties.

Upper Silesia

A case advisedly left unsettled at Versailles was that of Upper Silesia, a district whose doubtful nationality was to be submitted, according to the Treaty, to a plebiscite. This plebiscite was to be informational rather than decisive. The vote was taken in March, 1921, under the auspices of the Interallied Commission, who reported the result as Germans 716,408, Poles 471,406.

> Though this [says *Current History*] seemed to mean a victory for Germany, the peculiar distribution of the vote in the South-East district, where a majority of the coal mines are situated, led the Supreme Council to consider the matter not finally settled. Meanwhile feeling ran high, the British sympathizing with the Germans to a certain extent, and the French with the Poles. At one time the Poles attempted military occupation of the disputed area. The League

Council succeeded in adjusting the matter through a committee of the four non-permanent Council members, and the Allies adopted their decision by October. Upper Silesia was divided, a share of the mines going to each nation, and the district was placed for fifteen years under an advisory Mixed Commission of Germans and Poles, with an outside president appointed by the Council. While the boundary settlement was acknowledged to be imperfect from the point of view of the population affected, the solution has been termed the first large practical achievement of the League of Nations.[5]

Germany believed the decision unfair and accepted the arrangement only under a protest, which the Council of Ambassadors said was "considered null and void." During the Genoa Conference in 1922 Poland and Germany, the latter still protesting, concluded a final treaty on the matter.

The Aaland Islands

The settling of the Aaland Islands dispute is generally reckoned as one of the most successful accomplishments of the League. Finland had possessed these islands for more than a century, but they were claimed by Sweden on the ground that most of the inhabitants were Swedish, and upon the separation of Finland from Russia had immediately moved for reincorporation with Sweden. A third party to the dispute was Soviet Russia, who maintained that it would recognize no decision concerning the islands in which it was not represented.

The controversy was referred to the League Council by Great Britain in July, 1920, and a committee of jurists was appointed to consider the matter, succeeded later by an International Commission. In accordance with the report of this commission the Council decided in June, 1921, to award the islands

[5] *Current History*, December, 1921.

to Finland, under certain guarantees to the Swedish population. The decision was accepted by Finland and Sweden, though the latter gave its acceptance only under protest; and Russia announced its refusal to accept the settlement. The neutralization and demilitarization of the islands was provided for in October, 1921, Russia again refusing to recognize the action.

The Balkan Problems

The Versailles Treaty did not achieve settlement of the Balkan problem, but in some directions added new complexities. Bulgarian sympathizers claim the authority of Lord Bryce for the statement that a Macedonia Irredenta has been created in the Balkans in addition to Austria Irredenta in the Tyrol, and maintain that Dobrudja, assigned by the Treaty to Roumania, contains only 6,359 Roumanians out of a population of 282,000.*

The story of Albania is illustrative of the complexities no more of the Balkans than of the system of International Government which now exists in Europe. This unfortunate state had been declared independent in 1912, only to fall into chaos once more with the opening of the Great War.

The Peace Conference, writes an indignant sympathizer,[6] "went so far in denying the right of the Albanian nation to independence as to partition her twice in succession, the last time in January, 1920," in violation, it is claimed, of the most solemn pledges on the part of Italy. This partition having been annulled in August of the same year, Albania proceeded in December to ask the Assembly for admission to the League. The boundaries of Albania had not yet been defined, however, and its government

* *Current History*, December, 1921.

[6] Chekrezi, *Current History*, October, 1921.

had not yet been recognized. Accordingly the Supreme and the League Councils both protested against its admission. Notwithstanding this opposition, the Assembly, on December 17, urged on by Lord Robert Cecil, voted Albania in unanimously, furnishing an interesting illustration of the possibilities of the Assembly in matters within its prerogative.

The determination of the complicated frontiers, on the other hand, remained with the Council, who had referred the matter to the Council of Ambassadors at Paris. Jugoslavia and Greece continued through 1921 to contest the boundaries hotly with Albania, each presenting its claims before the League, and the former even sending troops into the disputed territory. When the Second Assembly met, from September 5 to October 6, 1921, Albania urged the League to settle the frontiers itself and to furnish help against Jugoslavia. All that the Assembly could do, however, was to urge speed upon the Council of Ambassadors and to advise Albania to accept their award when rendered. Meanwhile a new Albanian ministry was formed, with the result that the government was recognized in November.

The award of the Council of Ambassadors was soon presented, assigning Northern Epirus to Albania, in spite of the claim of Greece that the inhabitants are Greek in both language and sentiment. M. Cassavetes[7] suggests that the award, in which the same French adviser who in 1920 adjudged Northern Epirus to Greece now yielded it to Albania, was the outcome of a secret parley between England and Italy, where the decision in favor of Albania was traded for the Italian vote as to Upper Silesia.

"Greece," says the same writer, "has vainly pro-

[7] *Current History*, December, 1921.

tested to the allied powers over the withdrawal of their pledged word."

On the other hand, both the Council of Ambassadors and the Supreme Council appealed to the League Council in the fall of 1920 to enforce the findings against Greece and Jugoslavia. At the meeting of November 18, Albania and Jugoslavia appeared before the Council, and the latter, although refusing to recognize the boundary as permanent, agreed to withdraw her troops.

While the disputes of the smaller nations have usually arrived before the League in one form or another, there are indications that the Great Powers have continued to adjust their own differences more or less along the old lines of diplomacy both open and secret.

The Near Eastern Situation

This tendency appears in connection with events in the Near East, a region quite as prolific of problems as the Balkans, and also containing important resources in oil. Inasmuch as these countries had long been notorious as the scene of Turkish massacres, and at the close of the war contained many thousand Christian inhabitants who had thrown themselves upon the mercy of the Allies, it was generally expected that the League would here adopt an active policy. The situation was complicated, however, by secret treaties from as far back as 1914.

Immediately after the formation of the League with its mandate system, but before the assignment of the mandates, Great Britain and France concluded, in April, 1920, the agreement of San Remo, in which they divided mutually the oil resources of Turkey. Four months later the Sèvres Treaty was

negotiated, under the guidance of the League Council, by which Turkey gave up to be mandated Mesopotamia, Syria, Palestine and Kurdistan. Thus, according to Mr. Woodhouse, the oil of Mesopotamia was to be controlled by Great Britain, "under both the mandate and the San Remo agreement"—an arrangement which the United States lost no time in protesting, on the ground that no mandates should be assigned without her approval.[8]

In the same month as the Treaty of Sèvres, Prince Feisal, third son of the King of the Hedjaz, an Arab kingdom subsidized by Great Britain, was crowned king of Mesopotamia or Irak.[9] When the settlement of oil matters was suggested for the Washington Conference of 1921, the British delegation declined the discussion on the ground of the independence of this sovereign, who is quoted, however, in the British *Review of Reviews*[10] as referring to "the tutelage of the British nation, to which I look as a child to its mother."

Meanwhile, in spite of American protests, Great Britain continued in the operation of the oil wells and strengthened the San Remo agreement by a secret treaty with France in December, 1920. By this treaty she gave France 25 per cent. of the oil, worth altogether over a billion dollars, in return for permission to build a pipe line through French territory.

Peace was not achieved with Turkey by the Sèvres Treaty, however, for the nationalists under Mustapha Kemal refused to recognize its concessions and continued active warfare against the Greek and French armies. In August, 1921, says *Current His-*

[8] Woodhouse, in *Current History*, January, 1922.
[9] *Current History*, October, 1921, p. 81. Woodhouse, *Current History*, March, 1922.
[10] February, 1922.

tory,[11] the Council of Premiers practically declared the Treaty of Sèvres a dead letter.

The French Treaty with Kemal

After months of inconclusive fighting with Kemal, France astonished the world in October, 1921, by concluding a treaty of peace at his capital, Angora, in order to secure her own territory on the southern border of Asiatic Turkey. By this treaty France received concessions for a portion of the historic Bagdad Railway, just then interesting her more than oil; while she agreed to withdraw her forces from Cilicia, thus leaving Greece in isolation and, according to Lord Curzon, disposing wrongfully of mandated territory. In recognizing the government of Kemal, furthermore, Woodhouse considers that France went contrary to the decision of the League Council as embodied in the Treaty of Sèvres.

Lord Curzon openly protested against the French concessions to Kemal as involving loss to Great Britain, "in terms of land producing oil and other minerals, and reduction in protection through withdrawal of French troops."[12]

More serious than the danger to the San Remo monopoly was the imperilling of the Christian population in Cilicia by the withdrawal of France. It is estimated that 25,000 Armenians had been killed in Cilicia since 1920, and the terror of the populace when left without French protection was immediately shown by the flight of 65,000 persons.

After a somewhat acrid exchange of notes between France and England the Council of Ministers of the three Great Powers met in Paris on March 22

[11] October, 1921.
[12] Woodhouse, *Current History*, January, 1922.

to discuss the Turkish situation. It was decided to entrust Armenia to the League, while the Powers, in spite of the Sèvres Treaty, concluded an armistice to their own satisfaction with Kemal. The armistice was accepted by the latter; but the Greeks continued to demand the original Sèvres provisions. They pushed on single-handed against Turkey with the disastrous consequences of the campaign of 1922.[12a]

Upon the whole, the record of International Government in the Near East has contained little reference to the League of Nations and has reflected scant credit upon the statesmen who are responsible. After enumerating the ten more or less secret treaties among the Entente Powers by which Turkey has been successively apportioned since 1914, a writer of the American Armenian Society seems justified in charging the tragedies of the Near East to "rivalry among the victorious Allies."[13]

The League and the New Nations

In general the statesmen of the Peace Conference succeeded in adding materially to the number of self-conscious nations and giving realization to the nationalist aspirations of several important race-groups. They also created, however, several irredentist populations to replace in part those which had been redeemed, and left unsettled some of the most serious problems of subject nationality.

According to Mr. Duggan, the League in its concrete application has removed a cause of war by recognizing the principle of nationality in oppressed

[12a] The menacing situation produced by Turkish victory compelled the Powers again to take up the question of the Near East. The Lausanne Conference was called, but encountered one obstacle after another, and dragged through the spring of 1923 without finding a solution of the problem.

[13] *Current History*, October, 1921.

and subject peoples.[14] He gives counter opinion, however, that the increase in the number of states is in itself dangerous to the stability of the League.[15]

Hobson, as has been mentioned, warned against the establishment of buffer states where autonomy would suffice, and Brailsford complains of "the Balkanisation of Europe" by "exaggerated emphasis laid on national or racial individuality."[16] He believes that, while a federal union might have made the new states free, they are not actually independent at present but subject to the lightest suggestion of the Great Powers. The little coast states are mere useful items in British policy, the little land states in that of France. It is, he considers, actual disintegration rather than living nationalism.

Nationalism Within the League

The relation of the League to nationalism does not stop with the new states, for a definite problem arises in the status of large and small nations in the Assembly and Council. That inequality is a necessity is obvious. From every point of view it would be absurd for Siam to wield equal power with Great Britain or for a Central American *bloc* to outbalance Western Europe. Propagation by fission might become a troublesome habit if a premium should thus be placed upon political disintegration. On the other hand, the little states are sticklers for sovereignty and in theory it is their due.

The dilemma has been solved, as we have seen, by the establishment of equality in the Assembly, but the reservation of all important prerogatives to a Council of nine, upon which the five Great Powers should have a permanent position. The latter were

[14] Op. cit., p. 61.
[15] Lord Acton and Zimmern, Duggan, op. cit., p. 82 ff.
[16] Brailsford, *After the Peace*, p. 52.

thus guaranteed an approximation to world control, while the small fry were provided with an official forum where each might have his say. Since the declination of the United States and the later increase of the non-permanent members of the Council from four to six, the states other than the Great Powers now hold a majority in this body. As is evident, however, the unanimity rule obviates majority control and gives each of the Great Powers a permanent veto privilege. In any case, the continually changing representation of the smaller states could not hope to balance the permanent entrenchment of the Great Powers.

For formerly insignificant states the Assembly furnishes a just occasion of national pride. Its conflict with nationalism appears in connection with the states of medium importance, neither Great Powers nor children escaped from tutelage. Except for an occasional elevation to the Council, the middle-class nations—Switzerland, Belgium, Argentina—have no official advantage over such international pawns as Liberia and Albania. We may roughly class the League members into four groups: the four Great Powers with permanent seats in the Council; ten secondary Powers, Belgium, the Netherlands, Switzerland, Spain, the Scandinavian countries and the A.B.C. nations of South America; fourteen minor sovereignties, comprising Portugal, the greater Balkan states, and nine Latin American republics; and a fourth group of twenty-four countries, including the five British colonies and a motley collection of new or impotent states whose sovereignty is known to exist only by courtesy of one or more of the Great Powers. In the event of any cleavage, therefore, which should range the nations according to size, the secondary powers, aside from their exclusion

from permanent seats in the Council, must remain in a hopeless minority even in the Assembly. Supposing, again, the very probable opposition of the Great Powers on one side and the twenty-four smaller sovereignties on the other, the latter would again find themselves completely outvoted by a combination of the Great Powers and their twenty-four satellites.

The Assembly as a Parliament

Although the matters thus far coming before the Assembly have not, as a rule, provided an opportunity for test votes, there have occurred specific cases of opposite alignment on the part of the League and the Council. The balloting for judges of the Permanent Court, in 1921, was conducted separately by the two bodies, with a very definite cleavage between the two; and the admission of Albania in 1920 was accomplished in the face of the Council's protest. The admission of the new states, Latvia, Lithuania, and Esthonia, in 1921, seems to show a liberal membership policy on the part of the Assembly, even though the cases of Hungary and Armenia were at the same time held over.[17]

On the other hand, the Assembly rejected the amendment of M. Puyrredon of Argentina granting automatic membership to all nations, to the great indignation of his government. While Argentina did not resign membership in the League, her delegation withdrew in 1920 as a result of this rejection. She sent no delegates to the Assemblies of 1921 and 1922, being followed in this respect by Honduras, Nicaragua, Peru and Salvador.

There seems, then, to be a tendency for the Assembly, in those matters which fall within its preroga-

[17] Hungary was admitted in 1922.

tive, to develop into an actual parliamentary body with liberal leanings. These matters are extremely few, however, and, even aside from the limitation of the Assembly's sphere, action of any sort is rendered infrequent because of the unanimous decision required in all matters except those of committees and procedure, the admission of new states and the election of temporary council members. As a consequence of this rule the negative weight of the smallest nation is raised to its highest power, although, as has elsewhere been indicated, the positive influence of even the more important non-council members is reduced to a minimum.

Inhibition of Action

Even in the small and solidly organized Council the unanimity requirement must tend to inhibit action, but, among the miscellaneous Assembly members, it is evident that the veto power thus given to each and every state cannot but result in a blocking of the wheels in all problems admitting difference of opinion. Brailsford speaks of this power as "comparable only to the fantastic *liberum veto* of the crazy Polish monarchy."[18]

An added complication is introduced by the Assembly provision allowing to every state a representative on every standing committee.

> Obviously [writes Mr. Sweetser][19] such a body will be cumbrous and unwieldy. With perhaps fifty nations represented, and each nation entitled to three delegates, you have a membership of one hundred fifty, which is too large for detailed work. The Assembly discussions will naturally, therefore, tend to confine themselves to the broadest principles. . . . If it were the only mechanism of the League the League would grind ponderously along, enun-

[18] *After the Peace*, p. 67.
[19] *The League of Nations at Work*, pp. 37, 39, 40.

ciating broad principles, never reaching troubles until they had become desperate, and probably in the end foundering in its own ineptitude. Hence we have the Council. This is a small body of nine members focussing the political and moral power of the world about one small table. Undoubtedly it possesses greater prestige than any political body in history.

Summary

The relation of the League to the forces of nationalism is thus somewhat doubtful. On the one hand, the treaties in which the League is embodied have performed on a vast, though uneven and incomplete scale, the task from which the Council of Vienna turned aside, that of satisfying the national aspirations of Europe. On the other, the League constitution has placed the balance of prestige permanently in the hands of the five Great Powers, in which, as was suggested in another chapter, there are signs that the spirit of nationality is already yielding to that of Imperialism; and it has reduced to the level of the newly emancipated states those secondary powers in which, if anywhere, nationality is a present and established force. Whether the event will bring a revival or a submergence of nationalism remains to be seen.

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CHAPTER X

THE LEAGUE AND INTERNATIONALISM

The connection of the League of Nations with internationalism is so close that in many minds the two expressions are almost synonymous. To large groups of men, however, the latter term is identified with the working-class International, to which reference has been made in a former chapter, and to these the touch-stone of the League's worth is its relation to labor as well as its relation to the abolition of war.

The League and Democracy

Misled perhaps by the slogan, "Make the world safe for democracy," the working-class International looked for some recognition of democracy in the League covenant. Among the requirements for admission, however, there is no prescription of any degree of democracy; in the distribution of influence within the League the approximately democratic state of Switzerland is made subordinate to Japan, the military feudalism modelled after the old German Empire,[1] and in the matter of national representatives no suggestion is made as to either popular responsibility or popular election. The League of Nations is frankly an association of governments rather than of peoples.

The League and Labor

The subject of labor was given far more careful consideration in the covenant than that of democracy.

[1] See Buell in *Current History*, November, 1921.

Section A of Article Twenty-three specifically directs that action be taken to secure and maintain fair and humane conditions of labor throughout the world, and among the first accomplishments of the League was the organization of the International Labor Conference and Bureau.

The first International Labor Conference met in Washington as early as November, 1919, the United States being unofficially represented. Each country was invited to send five representatives, two appointed by the state, one by the employers, and one by the workers. In spite of this overbalancing of labor by other classes, the Conference gave its approval to measures of great value to workers, including the eight-hour day and forty-eight hour week, the prohibition of night work for women and minors under eighteen, and the fixing of the minimum age for employment at fourteen years. Exceptions were made, however, in the application of the rules to Japan, India, and other Oriental countries; and even the accepting states bound themselves to nothing more than the presentation of the recommendations within a year to the proper national authority.

The Second Conference, held at Genoa in 1920, considered chiefly the application of labor regulations to transport by water. Owing largely to the opposition of Great Britain it was impossible to adopt a recommendation for the eight-hour day at sea; but the limitation of working hours in fishing and in inland navigation was approved.

At the Third Conference, at Geneva in 1921, seven conventions were adopted, which included the legalizing of one day's rest in seven, the regulation of the use of white lead, and the legalizing of the right of agricultural workers to combine. Eight recom-

mendations were added, among which were certain regulations for the work of women and children on farms.

The Labor Bureau has been more modest in its efforts, though perhaps more successful when we consider the purely advisory character of the Conference recommendations. It has kept to its function of collecting information, and, with the aid of an international body of experts under the direction of M. Thomas of France, it has furnished a valuable clearing-house for labor matters.

Since we are just now examining the relation of the League to the specific movement of the International, however, we must remember that these accomplishments, excellent as they are, can meet the demands of only the most moderate wing of the Second, or non-revolutionary International. The radical working-class has little interest in the conclusions of a conference where labor is in a minority of one to three and whose recommendations have only advisory force. They demand, on the contrary, the control of industry by the workers alone, with the compelling force of economic or political power.

To the careful informational work of the Labor Bureau they are equally cold, considering the results to be as profitable for the employers as for the workers. They point, moreover, to the personnel of both Conference and Bureau as taken either from outside the labor movement or from its most conservative elements. They recall that labor representation in the Peace Conference was denied, with the result that an unofficial labor conference was held at Geneva simultaneously with that of Versailles, and that its recommendations were received in silence. They call attention also to the fact that the Powers continued to refuse passports to the

radical members of the International until long after the Covenant, and that the only representatives of Labor recognized during the war period were those who had supported government policies. Accordingly the important beginnings of the League departments toward official action in behalf of labor have failed to receive from the majority of the International that appreciation to which they are entitled.

The League and Russia

A third test to which members of the International have subjected the League is that suggested by President Wilson, the treatment of the revolutionary government of Russia. The question often raised as to whether the Soviet state really represents the Russian people must be put aside as academic; the practical situation is that it is believed to represent the working-class more or less adequately by the radicals of the International.

The dealings of the Powers with Russia since 1917 show an inconsistency for which few if any statesmen desire to claim credit. Mention can be made here only of the neglect to uphold Kerensky by assurance regarding the secret treaties, the failure of the hoped-for assistance before Brest-Litovsk, the disregard of Versailles for the findings of commissions sent to Russia, and the blockade continued with more or less severity for four years.

The current explanation of this policy as dictated by moral indignation is rejected by the International in view of the support given by the Powers to Horthy in Hungary, and to Kolchak, Semenoff, and Denikin in Russia, whose extreme terroristic practices are seldom denied. Dr. Oscar Jaszi, formerly of the Liberal Karolyi Cabinet in Hungary, refers to the "shameless scheme" of "Horthy, the Communist

Killer," saying, "There can be no peace in Central Europe so long as this white incendiarism is at large at Buda Pest."*

The League of Nations has been free from official responsibility for this series of policies. In November, 1921, however, the Assembly failed to act upon the appeal for concrete relief of Russia made by the Norwegian representative, Nansen, who had just reflected great credit upon the League by his successful repatriation of war prisoners. Dr. Nansen "implied plainly his view that the League was playing politics, under the leadership of some of the greater powers interested in the overthrow of the Soviet government."

In the same month Sidney C. Graves, formerly major in charge of the A.E.F. in Siberia, made a plea to the Washington Conference for consideration of Russia and the grievances of the Chita government against Japan—grievances which were later remedied by the recall of the Japanese troops from the Siberian mainland, though not from Northern Sakhalin. At the Peace Conference, he says, the Russians

> witnessed a partial dismemberment of the old Empire in a desire on the part of Europe to create a series of small states as a buffer against Bolshevism, without regard to a future regenerated and rehabilitated nation. Of more recent moment have been the various futile counter-Soviet adventures: Kolchak, Denikin, Wrangel, etc., as participants in which the unselfishness of some of the Allies at least may be doubted and as a result of one of which Russia's western seaboard is still overrun by troops of a foreign power or by its mercenaries.[2]

In the discussion over Nansen's motion mentioned above, Lord Robert Cecil suggested the possible crit-

* *Current History*, January, 1922.
[2] *Ibid.*, November, 1921.

icism by the workers of the League's attitude toward Russia: "The Assembly has, if you will allow me to say so with all respect, one defect. It does not contain a single member of the working class. I regret that, because I think that on a question of this kind it would have been of the first importance to hear authentically how this matter strikes the great masses of the working classes throughout Europe."[3]

Economic Restoration

Finally there is the herculean task which has confronted the League since its inception, the restoration of the shattered economic system of Europe. It is the radical working-class especially who have followed with critical interest the efforts of the Powers in that direction; not only is Labor vitally involved in the solution of this problem, but radical labor, at any rate, has grown to look upon the world from an economic rather than a political angle. Prices mean more to it than frontiers, and wages more than governments.

The war left Eastern Europe confronted with famine, Western Europe with bankruptcy, and a group of four men at Versailles in virtual dictatorship over this vast area. But, says J. M. Keynes, "It is an extraordinary fact that the fundamental economic problem of a Europe starving and disintegrating before their eyes, was the one question in which it was impossible to arouse the interest of the Four."[4]

The Powers worked, says Brailsford, as if consciously to perpetuate the shortage.[5]

[3] *Second Year Book*, p. 174.
[4] Quoted by Angell, op. cit., p. 49.
[5] *After the Peace*, p. 19 ff.

Russia was isolated; Central Europe was "Balkanised;" Germany was deprived "of both the means and the motive of production."[6] France was left staggering under falling exchange, and England under heavy taxation and a lowered standard of living.

For three years the Allies tried variously to restore the economic structure by the adjustment and collection of German reparations. Not until the Genoa Conference of 1922 were both Germany and Russia invited in a serious attempt to search for some common ground of economic preservation, and even here the problem was again handed on to future parleys.

The Economic Activities of the League

Meanwhile the League accomplished as much as might be expected from an organization which possessed no power to act upon major issues.

As early as September, 1920, a Financial Conference representing allied, neutral and "enemy" nations was called at Brussels. Among its recommendations were the reduction of armaments, the restriction of loans, and free interchange of products among the new and enlarged states. An outcome of the conference was the formation of an Economic and Financial Commission, which has continued to function. In June, 1921, it began an extended analysis of economic conditions, and in September of 1922 it secured the approval by the Assembly of its conclusions "concerning the prejudicial effects of artificial restrictions and duties on the export of essential raw materials."[7] In its program presented in the same report the Committee included a further consideration of "the adaptation of the international

[6] Angell, op. cit., p. 48.
[7] Levermore, *Second Year Book*, p. 166.

credits scheme to the needs of different countries," and a study of questions such as "double taxation, the monetary situation, unfair competition, monopolies, distribution of raw materials" and "the meaning and scope of the phrase, 'equitable treatment of commerce.'"[8]

A Conference on Passports and Customs Formalities was held at Paris in October, 1920, and a Conference on Communications and Transit at Barcelona in March of the next year. As a result of the latter an Advisory Committee on Communications and Transit was established. Statutory Conventions were adopted on navigable waterways of international concern, and upon the general principles "which should govern the transit of persons and goods across different national territories."[9] Progress was made "for the simplification of the formalities connected with the obtaining of passports and visés, the reduction of passport prices, and the unification of passport regulations."[10]

By far the most constructive economic accomplishment of the League has been the rehabilitation of Austrian credit. This work was first discussed at the meeting of the Financial and Economic Commission in Paris, March, 1921, and the report of the completed task was submitted to the Assembly of September, 1922. By the arrangement made four Powers, France, England, Italy and Czecho-Slovakia, agreed to guarantee 80 per cent. of an Austrian loan for $130,000,000, provided that Austria should fulfil certain conditions. These conditions were: first, to sign no separate agreements against the interests of the four guaranteeing Powers; sec-

[8] *Ibid.*
[9] *Ibid.*, p. 87.
[10] *Ibid.*, p. 157.

ond, to carry out certain administrative reforms; and third, to entrust control of financial and other matters into the hands of a commissioner to be appointed by the League.[11] Though the Austrian Socialists denounced this agreement as "a treaty of slavery" to Allied banks, the good effects were soon felt—in the checking of inflation, the increase of savings banks deposits, and the fall in the cost of living.

Even in the light of this greatest achievement of post-war reconstruction, it is not unnatural that the industrial working-class, whose measures of prosperity are the certainty of employment and the relation of wages to living costs, should view the condition of Europe after four years of the League with an approach to discouragement.

Professor Irving Fisher writes as follows in *Current History* for February, 1923: "Almost all competent observers are to-day unanimous in reporting that Europe in general is in really desperate straits both economically and politically."

Jane Addams perhaps voiced the disappointment of American Liberals when she wrote: "A genuine society of nations may finally be evolved by millions of earth's humblest toilers, whose lives are consumed in securing the daily needs of existence for themselves and their families."[12]

"The League . . . as we know it to-day," says the English writer, Brailsford, "is the faded ghost of a great hope."[13]

The Prevention of War

Vitally concerned as the International may be in the relation of the League to the welfare of the working-class, it is at least equally interested in the

[11] *The Nation*, February 28, 1923.
[12] *Bread and Peace*, pp. 220-222.
[13] Op. cit., p. 58.

efficiency of the organization as an instrument of internationalism in the larger sense. To what extent has the League succeeded in the prevention of war between nations?

The direct methods by which the founders of the League hoped to secure this result were four: the provision of facilities for mediation and arbitration, the abolition of secret diplomacy, the reduction of armament, and concerted action against nations illegitimately making war.

1. *Mediation and Arbitration*

The first means to peace has been satisfactorily established by the League,[14] international arbitration having progressed even a step farther than at the Hague Conferences. It is to be regretted that the recommendation of the Committee of Jurists for an international conference to restate the laws of war was rejected by the League Assembly. "The door was closed," said Mr. Root regarding the matter at the Washington Conference, although no adequate law had been brought into existence dealing with aircraft, submarines, and other new devices of warfare.[15]

It is true, however, that no nation can henceforth plead as an excuse for war the absence of a competent and impartial tribunal to adjudge its complaints.

2. *Abolition of Secret Diplomacy*

Facilities for publication of treaties have also been provided in the Bureau of Registration at Geneva, a direct step toward Kant's first Preliminary Article.

It was reported to the 1921 Assembly that a large number of treaties had been registered, Germany, in

[14] See chapters 8 and 9 above.
[15] *Current History*, February, 1922.

view of her peculiar circumstances, having submitted the greatest number.

At the same Assembly an amendment was urged by Lord Robert Cecil and others that "international agreements" should be excepted from the registration required of treaties, but the motion was lost.

Whether the practice of secret diplomacy has been checked among the League membership, on the other hand, seems open to question. Among the ten secret treaties concerning Turkey since 1914, at least the San Remo Agreement of April, 1920, between France and England, was concluded after the signing of the Covenant, and secret agreements were concluded by both France and Italy with Kemal Pasha in March, 1921.[16] [17] That this secrecy was part of a general policy is indicated by the refusal of the Powers to accept the Turkish proposal for open sessions at the Lausanne Conference, in November, 1922.

At the Washington Conference China requested "that there shall be inaugurated open diplomacy regarding the Far East," a point which would hardly seem necessary if secret diplomacy had ceased with the formation of the League.

As has already been suggested, the immediate *publication* of treaties registered with the Bureau is not required, and, as even the failure to register entails only a technical invalidity, it is quite possible that a powerful nation might choose upon occasion to employ the time-honored method.

3. *Reduction of Armament*

While the League Covenant makes no radical plans for disarmament, it recognizes in Article Eight the general advisability of reduction and the inexpediency of private manufacture of munitions. It directs

[16] Levermore, *Second Year Book*, p. 259.
[17] *Current History*, October, 1921.

the Council, moreover, to formulate plans for limitation of armament to be submitted to the members, and after acceptance not to be transgressed without the authority of the Council.

A permanent committee on armament was accordingly established, but worked with perhaps undue slowness and caution. To the Assembly of 1920 it rendered a report against prohibiting experimentation with or use of poison gas in peace time. The report presented by the Commission and the Council to the 1921 Assembly was gloomy and conservative. Notwithstanding the recommendations existing in the Covenant, Balfour announced on September 10 "that the League was impotent to make headway toward disarmament in view of the present frame of mind of the nations." Dr. Lange of Norway ascribed this impotence to the fact that such nations as the United States, Germany and Russia were outside the League, accused the Council of failure to carry out the wishes of the Assembly, and charged that the "Permanent Advisory Disarmament Commission was in close contact with War Ministers and lukewarm for universal peace." [18]

The Assembly planned, however, to deal with land disarmament in Europe, leaving the coming Washington Conference to take up the matter of naval reduction. Accordingly, it was voted to ask the Committee "to prepare plans for control and ultimate prevention of the use of poison gas in warfare," to request the nations for information on armaments and their cost, and to prepare for the next Assembly a general plan for disarmament. It was also voted to hold an international conference to limit private manufacture of arms, but the date was

[18] *Current History*, November, 1921.

left indeterminate because of the opposition of Great Britain.

In view of this scanty record of action it is hardly surprising that at the Washington Conference Chairman Hughes made no reference "to the disarmament plans of the League of Nations, whose leaders sat among his hearers." [19] In asking for the Anglo-French Pact, which a writer in the British *Review of Reviews* calls "an insult to the League of Nations," Poincaré states that he "does not feel that the League of Nations can ensure security for many years to come." [20]

The Washington Conference

The high water mark of action thus far in the limitation of armaments was reached not by the League of Nations, but by the Washington Conference of 1921, which, for reasons connected with the situation of the United States, did not recognize the existence of the League.

Invitations were issued by President Harding to the five Great Powers for the consideration of the limitation of armament and problems of the Pacific and Far East. To the discussion of the latter subjects China, Holland, Belgium and Portugal were also invited. The relation of the Conference to the League was peculiar, in that it was practically a meeting of the nations represented on the Council, called by the Power that had refused to become a member, to discuss a subject on which the Council had just presented an unfavorable report to the Assembly. The accomplishments of the Conference were accordingly embodied in old-style treaties between four and five Powers constituting more or less close alliances, stretching beyond the League to the

[19] *Current History*, December, 1921.
[20] British *Review of Reviews*, February, 1922.

United States, but including none of the Assembly rank and file.

Two of those treaties were concluded, in addition to that dealing with the problems of the Pacific. The first was the Five-Power Naval Treaty, in force until December 31, 1936, and based on the famous proposals of Secretary Hughes.

The Five-Power Treaty

The latter included originally, besides a ten-year naval holiday, the scrapping of sixty-six capital ships by three Powers, thirty by the United States, nineteen by Great Britain, and seventeen by Japan. The tonnage was to remain at 604,450 tons for Great Britain, 500,650 for the United States, and 299,700 for Japan,—a ratio of five, five, three. This reduction was welcomed as a possible preventive of future wars, and a certain relief from a portion of the taxation oppressing the people of the world.

Subsequent modifications, in order to leave to Japan the new ship Mutsu, left the final allowances 558,950 (eventual) tonnage for Great Britain, 500,650 for the United States, 301,320 for Japan, 221,170 for France, and 182,800 for Italy.[21] Since all the changes were made in favor of new ships rather than those already in commission, the relief from taxation amounted in the end to less than was at first hoped.

Attempts to limit submarines and land armament failed, largely through the opposition of France, who consented, however, with Italy, to accept a naval ratio for capital ships of 35 each in comparison with 60 for Japan and 100 for Great Britain and the United States. The *status quo* was arranged to be maintained in the fortifications of the Pacific.

[21] Treaty text, *Current History*, March, 1922.

Poison Gas

While undoubtedly an appreciable saving of war taxation has thus been brought about and an impressive object lesson given to the world, it is recognized that the capital ship does not constitute the only instrument of naval warfare, or in the opinion of every authority the most powerful instrument. The submarine and the aerial bomb have proved their effectiveness, and, according to General Fries, poison gas has become in three years the biggest potential military and naval problem of the world.[22] "The most expensive forms of armament are those most readily visible," but chemical warfare materials and high explosives are both cheap and difficult to supervise. "War is to-day," he concludes, "at the beginning of a complete change in armament."

There is great importance, therefore, in the second treaty, relating to the use of submarines and poison gas. This was passed in the face of serious controversy and scepticism, and it has been suggested that its separation from the naval pact was made advisedly, in order that the validity of the latter might not be endangered by a breach of the more doubtful regulations. It was signed by the five Great Powers, and prohibits "the use of submarines as commerce destroyers," with "the use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials and devices." [23]

Its statements are made stronger by the agreement of the five powers to be bound mutually by these rules, regardless of acceptance by other nations, and by the further provision that any com-

[22] *Current History*, December, 1921.
[23] Text of treaty, *Current History*, March, 1922.

mander violating the prohibitions is liable to conviction for piracy.

The passing of this prohibition came about as a distinct response to public opinion, which had not yet forgotten its horror at the employment of these weapons first by the Germans, and afterwards by the Allies. It is estimated that in the Great War 20,000 non-combatants were killed by submarines, 13,233 being on British ships. Forty-four varieties of poison gas were in use at the end of the war, and when the armistice was signed hostilities had become 55 per cent chemical. The United States manufactured over 22 million pounds of poison gas while we were belligerents, and in our army there were 4,066 commissioned officers and 44,615 men assigned to this branch of the service.

"The United States is to-day experimenting on a large scale with poison gas," wrote Brigadier General Fries, chief of the Chemical Warfare Service of the U. S. Army in France, in the month of the Washington Conference. "These experiments take in every phase of warfare, because chemical warfare is the most universal of all methods of waging war. . . Chemical warfare has come to stay."[24]

It is this already strong entrenchment of poison gas in modern military science, as well as its elusive quality, that occasions doubt in some minds as to the strength of the unenforced prohibition, which makes no attempt to interfere with experimentation or manufacture. While our Advisory Committee and the General Board of the U. S. Army recommended prohibition, the Committee of Experts reported against it; and at the end of the deliberations Mr. Balfour "maintained the right of every nation, in case of future use of this inhuman agency of war, to

[24] *Current History*, December, 1921.

prepare its defense, just as in the case of the submarine. In the case of poison gas the powers could do no more than reaffirm the existing laws in view of the difficulty of controlling the production of poisonous gases."[25]

To quote General Fries again, whole nations are now involved in wars, and therefore "no set rules of warfare could be guaranteed. In other words, a nation fighting for its life will use any means that offer a chance to win. This must be accepted as fundamental and axiomatic and all plans for future defense should be based thereon. Thus, no method of warfare that promises results can be abolished by agreement, unless all warfare can be so abolished."

"I, for one," he goes on to say, "believe that all nations should be given to understand that if we are forced into a war we shall use every known chemical method of warfare against hostile forces wherever they are located."

The Submarine

The submarine possesses, though in lesser degree than poison gas, the advantages of cheapness and ease of concealment. The prohibitory resolutions introduced by Mr. Root were presented to the conference after a vigorous debate between the British and French delegations. The former placed on record "its opinion that the use of submarines, while of small value for defensive purposes, leads inevitably to acts which are inconsistent with the laws of war and the dictates of humanity," and Mr. Balfour declared that "they were powerful weapons for one purpose, and for one purpose only, namely, the destruction of commerce."[26]

[25] *Current History*, February, 1922.
[26] *Ibid.*

France, however, demanded an allowance of 90,000 submarine tonnage instead of Hughes' proposal of 31,500 (the status quo), claiming that the submarine for her was a defensive necessity.

Mr. Balfour replied that "it was perfectly obvious that the proposed 90,000 tons of submarines were intended to destroy commerce," and "we should therefore have the melancholy spectacle of a conference called for the limitation of armaments resulting in a vast increase in the very weapon which the most civilized elements in all civilized countries condemned."

It was after the French had succeeded in securing this tripling of their post-war submarine force that Mr. Root's modifying resolutions were passed.

The specific prohibition of the treaty lays itself open to unusual difficulties of enforcement, since it forbids only the use of the submarine against merchant shipping. As was pointed out by Signor Schanzer of Italy, "merchant shipping" is an ambiguous term. The report of our Advisory Committee says,—"During the World War, on account of the vulnerability of the submarine, the tendency was for all merchant ships (including neutrals) to arm themselves against the submarine."[27] According to the German interpretation, however, the presence of armament removed a ship from the civilian class, and the shocking destruction of the Lusitania itself was excused by Germany on account of the alleged mounting of guns on board.

"Because of the divergence of views," says the report in *Current History,* "the Committee did not adopt any definition of a merchant ship, viz., the conditions under which an armed merchantman would become an auxiliary cruiser. Each nation thus re-

[27] *Current History,* February, 1922.

mained free to decide for itself what class of ships shall or shall not be immune from attack as commerce ships in time of war.''* ''To a nation fighting for its life,'' to use General Fries's expression, it is doubtful whether the presence of the treaty would prove an effective barrier to the use of the submarine against ships suspected of armament and contraband trade.

Rules of Warfare

The problems of land and aerial warfare and auxiliary craft were left untouched by the Conference, but a commission was established to deliberate upon the rules of warfare, except those relating to poison gas and the submarine, which had already been considered.

Notwithstanding the welcome given by the world to the five-power naval treaty, the year 1923 found it still unratified by France and Italy and therefore not yet effective.

Upon the whole, while the Washington Conference marked a definite accomplishment in the reduction of navy budgets, it proved far from epoch-making as regards the prevention of war by limitation of armaments.

4. *Concerted Action Against Aggressors*

Important as disarmament may be among the devices of internationalism, it is of secondary importance compared with the supreme aim of the League, the prevention of war by a covenant of peace, with concerted action against any violator of that peace.

The great accomplishment of the League has been the binding together of more than forty states in a multipartite treaty, similar to the Bryan treaties already negotiated with various nations by the

* *Ibid.*

United States, by which all disputes must be referred either to arbitration or inquiry, and a delay of some months must in every case intervene between the initiation of a complaint and a resort to war. Such an agreement cannot fail to make powerfully for peace.

The Covenant does not stop with promises, but provides for the enforcement of the preceding agreement by means of a financial, economic and personal boycott carried out by the League members against any nation resorting to war without the proper preliminaries or attacking another state which has obeyed an award rendered. As has previously been pointed out (p. 173), the Council is empowered to take whatever steps it deems best against a nation violating an award, and, according to a 1921 amendment, to notify the members officially when a fellow-member has illegally "resorted to war."

This amendment strengthened materially the original provision by which the members were expected to act independently and automatically to punish a covenant-breaker.[28] It is difficult to mention any modern war, however, where the situation has been so clear at the outset that the Council would reach a unanimous decision as to the facts of aggression and aggressor.

The Identification of the Aggressor

Mr. John Bassett Moore, now of the Permanent Court of Aribtral Justice, speaks of "the hasty impression that, when war breaks out, it will always be clear which one of the parties began it. This supposition betrays a lack both of perspective and of familiarity with the origin of wars."[29] He men-

[28] In Duggan, op. cit., p. 96 ff.
[29] *Ibid.*, p. 77.

tions the declarations of war by France against England in 1793 and against Prussia in 1870, as cases where the real aggression may have been on the other side, and brings up also the case of wars where the scene of the first clash occurs in disputed territory, as in the Chino-Japanese and in our own Mexican War.

"The examples that have been cited," he goes on to say, "suffice to demonstrate how extravagant and groundless is the assumption that nations in general could be expected to hold together in attacking a particular nation, on the mere allegation from some quarter that it had 'begun' hostilities." [30]

A further difficulty arises from the question as to what constitutes war. A formal declaration often lags behind the action itself, and is sometimes dispensed with altogether. In a quarrel arising, as do most modern quarrels, in disputed or colonial territory, an "expedition" may prove an efficient and informal substitute for war. Would the ten nations of the Council be certain to agree on the classification of such enterprises as the Japanese assistance of Semenoff in Siberia or the American occupation of Haiti? [31]

Opportunities for League Action

It is to this ambiguity in the term "resorting to war" that we must ascribe the fact that, while Europe has bristled with wars since January, 1920, the League has taken official cognizance of but few and has in no case initiated the concerted action that might have been expected.

An early opportunity for League intervention was presented in the war of 1920 between Poland and

[30] In Duggan, op. cit., p. 80.

[31] For the latter see Prof. Hudicourt, *Current History*, March, 1922.

Russia. "No one in 1920," says Norman Angell, "justified the Polish claims made against Russia. Our own communications to Russia described them as imperialistic. The Prime Minister condemned them in unmeasured terms." Poland was a member of the League and could be entered only by way of Danzig, a port under special League control. Lord Robert Cecil urged the League "to take steps to prevent the Polish adventure," but Lord Curzon and Lloyd George both declared that "the League of Nations could not intervene in Poland."[32]

More recent cases showing the irregularity of the League's workings in comparison with the carefully devised procedure of the Covenant are the dispute of Lithuania and Poland at Vilna and that of Finland and Russia over the uprising in Eastern Karelia in 1921.

When Finland referred the latter affair to the League, Trotzky issued the defiant statement, "The Russian government rejects the application to Russia of the Covenant's stipulations about outside Powers. Any participation in such attempt will be considered an unfriendly act." Several European nations, including Poland, answered Russia by sending to the League an endorsement of Finland; and the League, notwithstanding the Covenant provisions for arbitration and inquiry, appointed the frankly partisan Poland to "arbitrate" the matter.

The Vilna Affair

The quarrel between Poland and Lithuania over the possession of Vilna was referred to the Council by Poland in September, 1920. The Council acted without delay, arranging a provisional agreement and appointing a Commission of Control for the dis-

[32] Angell, *The Fruits of Victory*, p. 110.

puted territory. In the midst of the hearings before this Commission, however, the Polish general, Zeligowski, "occupied Vilna October 9 and made a pretense of establishing the Vilna district as an independent state, thus paralleling d'Annunzio's performance at Fiume. The Polish government disavowed the action, but acknowledged that it could not use its soldiers to dislodge Zeligowski. The commission was, of course, without any military support and was obliged to report this situation to the tenth session of the Council of the League."[33]

The League then attempted to settle the controversy by a plebiscite, and occupied itself for several months in securing quotas of troops from the various nations in order to police the voting. Meanwhile the Lithuanian chargé d'affaires at Paris "requested the League to proceed against Poland under Article XVI of the Covenant, which prescribes the action of the League of Nations toward a Covenant-breaking State."[34] Instead of doing so, the Council proceeded with the plebiscite arrangements; but in March "this had not yet taken place, owing to difficulties which have resulted from the attitude of the two interested parties."[35] The Council then voted to give up the plebiscite plan and to attempt a settlement by direct negotiations under the presidency of M. Hymans, of Belgium. These negotiations pursued a checkered career through the summer of 1921.

A year after the first reference of the dispute to the Council a second draft plan, carrying the full approval of the Council, was submitted to the contestants without success. The speech of Mr. Balfour upon that occasion furnishes a sad commentary upon

[33] Levermore, *What the League, etc.*, p. 21.
[34] Op. cit., p. 30.
[35] *Second Year Book*, p. 38.

the machinery of the League: "The fact remains that in spite of all the protests made by the Council, formally and informally, General Zeligowski and his troops are still in possession of the disputed territory, with all the lamentable consequences which such an irregular eruption of troops must necessarily have on the final settlement of the question. . . . What, then, is to be done? All that personal persuasion can do has been tried, and admirably tried, by M. Hymans. So far we have to admit that it has failed. What remains for the Council but to appeal to the Assembly and to ask them to ask the members of the Assembly, by their great authority, to do what unhappily we have not yet been able to do, which is by the strength of moral persuasion to induce these two contending parties to put into action a policy which they must know is the sound policy, a policy of mutual concession and conciliation." [36]

The next entry we find in the *Year Book* is, under the date of January 10-14, 1922, "the decision to withdraw from the Polish-Lithuanian controversy over Vilna." [37]

The Polish troops of Zeligowski were recalled, however, and elections for a Diet were held on January the eighth; but, as these took place under Polish occupation, the League Council refused to accept the result. Great Britain protested, and Lithuania would not acknowledge the matter as settled, offering to submit the controversy to the Permanent Court. Poland declined, and, in spite of the League, proceeded on March 24 to annex the disputed territory.[38]

[36] *Second Year Book*, p. 150.
[37] *Ibid.*, p. 407.
[38] *Current History*, April, 1922.

Memel

While Vilna was being wrested from them, meanwhile, the Lithuanians were becoming forcible in their demand for Memel, at the mouth of the Niemen, a city claimed by Lithuania, but with a population chiefly German. This city was temporarily under the control of the Council of Ambassadors, a permanent body established under the Versailles Treaty to work as expert advisers to the Supreme Council and its successor, the Council of Premiers. As the Council delayed, for no assigned reason, to hand the city over to Lithuania as had been provided, the latter country took advantage of the early months of 1923, while the Allies were occupied with the Ruhr problem, to defy the Council of Ambassadors and seize Memel for herself.

The government of Vilna, seized in the same irregular fashion, had by this time been recognized by the Council; accordingly, there was nothing now to do but to accept Lithuania's rough method of compensating herself and to recognize the occupation of Memel as well.

The League as a Preventive of War

It seems evident that the League has developed but little power for preventing war and aggression between nations. This deficiency may indeed be ascribed to some extent to the absence of the United States as a member, but it is hard to see how this absence could have prevented the European members from initiating the regular League procedure to check, for example, the war of Greece with Turkey. It is true that Turkey is not a League member, but the Council possesses explicit power to apply the proper provisions to any state, whether member or not, that menaces the peace of the world.

While the actual wars of the past few years have engaged chiefly the minor nations, the Great Powers seem to lack any great confidence in the League as a preventive of wars with one another. As has been mentioned, the Council itself sent in a most gloomy report to the Second Assembly as to the prospects for limitation of armament, and the discussions between France and England at Washington show a reliance upon the balancing of armaments on the one hand and upon the phrases of diplomacy on the other that seems far removed from the expectations of the Covenant.

Summary

The achievements of the League in preventing war seem, then, to be confined chiefly to the general agreement for arbitration and conciliation and the actual establishment of the Permanent Court of Arbitral Justice, each of them the perfecting of a previously existing institution rather than the creation of a new precedent.

After our review of the League in its relations to democracy, labor, and the economic situation on the one hand, and to the prevention of war on the other, it is not difficult to understand how it is that the working-class International, in the concentration of its vision upon a world made safe for industrial democracy, has failed to lose its attitude of critical aloofness toward the League.

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CHAPTER XI

THE LEAGUE AND IMPERIALISM

An account has already been given of the modern institution of Imperialism, which by 1914 had attracted to itself the most powerful elements of financial and foreign policy in the industrial nations. Aside from the decaying old-style empires of Austria and Turkey, modern Imperialism included the world powers of Great Britain, France, Russia and Japan, with the lesser empires of Italy, Holland, Germany, Belgium, the United States, Spain and Portugal.

At the beginning of the Great War the imperialistic ambition of Germany, especially, had become evident in an exaggerated cult of nationalism and concrete schemes for expansion in the Near East. To the popular indignation that spread over the allied countries at the disclosure of these ambitions was added the hostility long felt by all types of internationalists toward the Imperialism which in all the Great Powers was believed to be sowing the seeds of war and absorbing the energies of nationalism for the benefit of foreign investors.

The problem of the backward and undeveloped area was recognized by Lippman and others to lie at the center of Imperialism, and in the later peace plans the demand kept arising that such territories should no longer be left as prizes to the strongest, but be administered by impartial commissions for

the freedom of commerce and the protection of the natives. Specific demands of the British Labor Party were that the raw materials of these districts, including the oil of Mesopotamia, should be rationed by the League among the nations as by the Allied Council during the war, and that all tropical Africa should be administered by the League, on the ground that Belgian, Portuguese and French colonies there were "worse governed, by far, from the native standpoint, than the German possessions."[1]

The Mandatory System

The international commissions thus suggested were disregarded, however, by the statesmen of Versailles in favor of the mandatory system previously described. The mandatary, as explained by Professor Munroe Smith,[2] "does not indicate a state to which a command is given, but in the Roman private law sense, one to which a commission is given to act as agent." Three classes of mandated territories were established, as has been said, of which only the first class were to have a voice in the selection of the mandatary.

"The mandatory principle," explains Hicks,[3] "gives the people no *right* to select or be consulted in the selection of the mandatory in whose tutelage they are to be placed. Such consultation is an act of grace and not of right."

While the mandatary must render an annual report of its administration to the Council, no method has been provided "for protest by the subservient communities," though General Smuts, who was largely responsible for the system, recommended specifically that this right of appeal be given.

[1] Brailsford, op. cit., p. 159.
[2] Quoted in Hicks, op. cit., p. 178.
[3] *Ibid.*

Apportionment of Mandates

Although the first mandates were arranged by Clemenceau, Wilson and Lloyd George at the beginning of the League, the general apportionment was made by the League in May and August, 1919, by the Principal Allied and Associated Powers. This followed to a certain extent the lines of the secret treaties entered into by the Powers during the war.

The first class of mandates, the former members of the Turkish Empire, were given to France and England, Syria and Lebanon going to the former, and Palestine, Trans-Jordania and Mesopotamia to the latter.* The German colonies in Africa came for the most part under the second class, Tanganyika and part of German East Africa being assigned to Great Britain, Urundi and Ruanda to Belgium, Togoland and the Cameroons being divided between England and France.[4] The third class, whose condition amounted to annexation, included German South West Africa and the Pacific Islands, the former going to the South African Union, German Samoa to New Zealand, Nauru to Great Britain, the remaining islands north of the Equator to Japan, and those south to Australia.

Owing partly to the doubtful position of the United States, partly to the unsettled conditions of the treaties, the various mandates were not immediately conferred by the League or their terms drawn up. The terms of Class C mandates only were approved by the Council in 1920, the final decision on Classes A and B being deferred to the following year. At the League Assembly of 1920 there was voiced a decided criticism of the Council for refus-

[4] Levermore, *Second Year Book*, p. 59 ff. "Text of Draft Mandates."

* A Syrian plebiscite asking for the United States as a mandatary was disregarded.

ing to publish copies of the draft mandates; a request was made also that a woman be placed on the Mandatory Commission. This request was refused, on the ground that Labor had previously been denied a representative by the Council.[5]

Not until the Washington Conference of December, 1921, did the United States formally recognize the mandate of Japan over Yap and the other islands north of the Equator.

The Mandates in Operation

The mandataries did not hesitate in extending their rule over the territories provisionally assigned to them. In the summer of 1920 the French Chamber was taking steps for the recruiting of troops for foreign service from Togoland and the Cameroons, before it was made clear whether the class of mandate permitted such recruiting;[6] and Great Britain had already arranged for a government monopoly of the phosphates in the island of Nauru, as yet only a provisional mandate.[7] According to the terms of the monopoly the product of this island of almost solid phosphate, which had been sold freely under the Germans to all buyers, was to be divided between Great Britain, Australia and New Zealand; only if these countries could not absorb the output was it to be sold to the rest of the world at the competitive market price. The bill embodying this monopoly was protested in Parliament as contrary to the spirit of mandates, but was passed "subject to the provisions of Article XXI" of the Covenant.[8] "The League has been treated in this bill," writes Brailsford, "as a negligible unreality."

[5] Levermore, op. cit., p. 48.
[6] *Cont. Rev.*, August, 1920.
[7] Brailsford, *New Republic*, July 21, 1920.
[8] Gorton James in *North American Review*, April, 1922.

According to Edwin M. Borchard,[9] it is just such restriction of competition that the third of the Fourteen Points was intended to prevent, but both articles in the Covenant that bear upon this subject are, "it is feared, manifestly inadequate." He expresses his doubts concerning the mandatory system as follows: "We have in the past heard the Powers speak of their functions as 'trustees' of the backward races, and we know the extent to which the 'trustee,' in violation of all legal principles, has exploited its trust and appropriated all the profits."[10]

The Mandates and Empire

Whether the mandatory system has established a check to Imperialism or an extension of it constitutes a vital question—in the words of *The New Statesman*,[11] "A test of the League." The policies of France and England just referred to seem to indicate a conscious acceptance of the mandates as an extension of empire; the rivalry of the same nations in Asia Minor, with the disregard by Great Britain of American oil claims and the continuance by France of the German imperialist plan for the Bagdad Railway, appear to point in the same direction. Said M. Sarraut in the Washington Conference, "Our colonial empire, though some would seem to be ignorant of it, really exists."[12]

An important aspect of the situation appears in the close approach to identity between the Principal Allied and Associated Powers—Great Britain, France, Italy, Japan and the United States, the permanent members of the League Council—Great Britain, France, Italy, Japan and the United States

[9] In Duggan, op. cit., p. 212.
[10] *Ibid.*, p. 214.
[11] May 7, 1921.
[12] *Current History*, February, 1922.

(if it should accept membership), and the mandataries—Great Britain and its dominions, France, Japan and Belgium. While ultimate control of the mandates lies with the Council, the mandatory powers, says *The New Statesman*,[13] "are in a peculiarly strong position as against the League of Nations. It is not the League which appoints the mandatories or prepares the mandates, but the [Principal Allied and Associated] Powers themselves." The Powers have fortified themselves in an ingenious way,—that is, by the provision that no mandate can be modified without the consent of the Council, on which all the mandatories have permanent seats directly or indirectly except Belgium, which must be given temporary membership when her own claims are involved. "No mandate, consequently," says the editorial, "can be modified unless its holder chooses."

The opinion of Brailsford, that "the 'Mandates' served only as a disguise to cover the fact of annexation," may rest upon serious exaggeration. More moderate warnings are those of David J. Hill in his discussions of the mandatory system:—"Imperialism is imperialism, whether it be joint or single: and it is not a business that tends toward democracy or justice."[14] "It would be an error to suppose that imperialism is essentially dynastic. Its present phase is that of race domination and economic control. Imperialism is not so much a form of government as it is a lust for power."[15]

The Powers Within the League

Aside from the problem of undeveloped territory, there is an aspect of imperialism which concerns the

[13] May 7, 1921.
[14] *Problems of Foreign Policy*, p. 138.
[15] *American World Policies*, p. 149.

relations of the League members among themselves. As early as September, 1918, Mr. Wilson made clear that the League must be a world league, not merely a combination of the most powerful. He objected to its formation during the war, because "if formed now, it would merely be a new alliance confined to the nations associated against a common enemy."[16]

The exclusion of Germany and Russia, however, has itself precluded in so far the formation of a world league; and in the peculiar nature of the Council, critics have found suggestions of the combination of the most powerful warned against by Wilson.

Control has been given in almost every case, to use the words of the Treaty, to the powers having "general" or imperialist interests, rather than to those having "special" or nationalist interests. Not only are the permanent members of the League Council confined to the former class of powers, but the Supreme Council, now the Council of Premiers, remains, according to Lloyd George, an established institution, and keeps the prerogative of deciding what matters shall be handed over to the League.[17] The League Council itself is not a separate entity, but "is composed only of delegates named for each meeting by the Cabinets of the Allies," and thus must reflect at any given point the governments of the Great Powers.

Even if the League should at some time act independently, it could not, says Brailsford,[18] enforce a decision against a chief Ally. The British navy, for example, cannot be legally checked by the League in any blockade except of the Bosphorus and the Dar-

[16] John Bassett Moore in Duggan, p. 70.
[17] Brailsford, op. cit., p. 86.
[18] *Ibid.*, p. 71.

danelles, and even here the police power belongs to the Allies rather than to the League itself.

Weak Nations in the League

That the power of Imperialism may be exerted even within the League seems to be indicated in more than one case. Japan and China possess theoretically equal rights under the Covenant, but the protests of the latter against the Twenty-One Demands and the retention of Shantung brought no action from the League and only partial redress at the Washington Conference. Haiti is a humble member of the League which could in theory claim protection of its integrity against the United States, a powerful outsider. Our government, alleges Senator Borah, has compelled Haiti to accept first a treaty and then a new constitution, by the force of our marines. Our procedure in the neighboring Dominican Republic is thus set forth by Horace G. Knowles, former U. S. Minister to Santo Domingo.[19]

"I charge that the United States either formed a scheme or took part in one whereby the Dominican people were to be deprived of the right to elect a President. . . . None of the reasons given for American intervention was true. In violating the territory and seizing the government, coercing, oppressing and ruling the people, our Government is violating all the essentials and ideals of democracy."

Both Haiti and Santo Domingo know, however, that the Monroe Doctrine leaves them completely in the hands of the United States, and that, even if we should enter the League, such a "regional agreement" would still be respected.

There seems, accordingly, little in the working of the League of Nations so far to discourage imperial-

[19] *Current History*, 1922.

ist practice on the part of the stronger members, or to encourage their weaker fellows in withstanding encroachment upon their own integrity and freedom.

Brailsford represents the point of view that the League cannot work adequately until the present informal alliance is discontinued and an economic league is formed that is free from "Capitalist Imperialism."

The Power of the League Council

More moderate observers have suggested that the difficulty lies in the nature of the League Council. John Bassett Moore suggests, in general, the danger of superseding legislative and judicial bodies by a small executive group holding the supreme power of decision and also commanding the army and navy contingents.[20]

President Lowell speaks of the Council as follows: "This combination of semi-judicial and quasi-administrative functions in the same hands is contrary to almost all the non-official programmes for a League of Nations. It seems a reversion to an earlier form of civilization, when a monarch was at the head of the army and state and also administered justice in person."[21]

The most serious feature in the control of the League by the Imperialist nations is the permanent character given to it by the article concerning amendments to the Covenant. These can take effect only "when ratified by the members of the League whose representatives compose the Council." Even the important modification of 1922 by which the majority on the Council is given to the non-permanent members does not alter this perpetual prerogative given to each of the five Great Powers to veto any

[20] In Duggan, op. cit., p. 73.
[21] *Ibid.*, p. 106.

development in the League which it may deem contrary to its interests.

"The present League," says David J. Hill,[22] "is a union and an intended domination of Great Powers, and the small states are treated as of secondary importance. They have had thus far no collective voice. They have been permanently relegated to the rear."

Summary

We have completed our cursory view of the actual League of Nations in its relation to other world-movements of the time. With the forces of nationalism its interaction is complex and as yet indeterminate; from the working-class International it has called forth, on the whole, a response of antagonism, and from interationalism in the broader sense, of disappointment. Toward the Imperialist movement the League has seemed, if not friendly, at least tolerant. The outstanding fact, however, of the first period of its history has been the apparent negligibility of the League in the eyes of the Great Powers, and its official failure to give reasonable direction to the whirling chaos of post-bellum rivalries.

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[22] *Problems of Foreign Policy*, p. 248.

CHAPTER XII

THE PROBLEMS OF INTERNATIONAL GOVERNMENT

In the thousands of years extending between the Amphictyons and the League of Nations we have traced many experiments in International Government, and we have seen, on the whole, marvelous progress from the inter-tribal anarchy of primitive times. Cooperation in peaceful enterprise exists in greater complexity between the uttermost parts of the earth to-day than existed among the counties of Elizabethan England. Justice between nations may now be determined with as near an approximation as between individuals, for the awards of modern arbitration courts have seldom been repudiated, and the Permanent Court of the League approaches in its organization as closely to absolute impartiality as can be hoped from any earthly tribunal.

Justice Not the Chief Problem

One consideration seems to emerge from our view of International Government thus far. It is that our attention may now be turned from the quarrel between nations in itself to the means taken for the settlement of the quarrel. We have been unable to find any type of inter-group dispute, even when involving so-called national honor, that has not been capable of adjustment by the machinery already provided. We have seen a record of just settlements through international mediation and arbitration that is unsurpassed in national history. Failures

in settlement or in justice have consisted almost invariably of those cases where disputants have chosen to neglect the means of settlement provided by international agreement and resort instead to the arbitrament of force.

The time has come when the disputes of nations are of minor importance as far as the differences themselves are concerned; the momentous question is now, What means of settlement will the contending parties elect to employ?

Three Problems of the League

The problems of world government thus center no longer around the difficulty of securing a just settlement of international disputes. After our survey of the League Covenant and its applications, however, it is idle to pronounce the goal achieved.

First of all, we have not secured liberty in the presence of inequality,—the liberty of the individual as against the state, of the backward as against the industrial country, of the small as against the powerful nation. Furthermore, in our avoidance of the super-state, we have succeeded in establishing no adequate sanction for International Government. The League Court is as helpless to enforce its awards as were the Greek arbitrators; the Council possesses no power beyond that of recommendation to the various states; and the entire Covenant rests, as did the neutrality of Belgium, upon the word of plenipotentiaries.

Most fundamental of all, we have attained in no appreciable degree that dream of idealists, the banishment of the war régime from civilized society. Actual war has continued to ravage some part of Europe and Asia ever since the Treaty of Versailles; the war-scare is as ready as ever to burst into the

head-lines; and the Powers are groaning under a burden of military taxation even greater than in ante-bellum days. The highly perfected machinery set up at Versailles has apparently accomplished little more than did the Hague Conventions in eliminating from society the recurrent paroxysms of war and the expectation of this recurrence.

These problems are far from simple, and go deeper than the devices of statesmen. To a certain extent they are inherent in all government, whether international or national. We may touch upon them for a moment, however, in our attempt to visualize the League of the future in the light of past experiments.

Liberty and Inequality

From the Amphictyons onwards, associated states have never been actually equal in population, wealth or power. The sovereignty of states, however, implies an equality which, according to F. C. Hicks,[1] has been accepted in practice for nearly three centuries. The way out of the dilemma has usually, he tells us, been found in a formal recognition of equality coupled with an actual control of the small by the great. This control in the present League has the form of the peculiar relation of the Assembly to the Council, and, still more informally, of the supplementing of the regular League deliberations by voluntary conferences of the Great Powers; while the constitution of the Assembly itself provides the required recognition of equality, and sovereignty is at least nominally maintained by the unanimity clause.

It may be doubted, on the other hand, after an examination of the workings of the League, whether

[1] *New World Order*, p. 3 ff.

these concessions have brought any contribution to actual freedom sufficient to balance the weakness resulting from them to the organization. Although Hicks believes that the principle of sovereignty, with consequent equality, is likely to continue in international government except for the limitations in practice just mentioned, he points out that the logical effect of the doctrine has been the unrestricted right of states to declare war.

"Sovereignty," says Brailsford, "in the old absolute sense of the word, is the very principle of anarchy."

The Recognition of Inequality

There is indeed reason to believe that a frank limitation of sovereignty, with a recognition of the inequality that exists, might prove an actual aid to liberty within the League. Lindsay Rogers shows [2] that every treaty limits the sovereignty of the contracting states, such agreements as the Bryan arbitration treaties restricting it very seriously. He quotes Madison, however, in the old "Federalist" controversy:—"As far as the sovereignty of the states cannot be reconciled to the happiness of the people, the voice of every good citizen must be, Let the former be sacrificed to the latter."

The plans proposed by the Fabians, the League to Enforce Peace, and others give far more power to the League government than does the existing Covenant, sometimes toward the limitation of armament, sometimes toward the enforcement of arbitration; and by the absence of the unanimity requirement they allow a freedom of action which might go far to obviate the necessity of the extra-League conference.

[2] In Duggan, op. cit., p. 82 ff.

The abandonment of the equality claim, moreover, while essential to a genuine confidence in international government on the part of the Great Powers, seems not unreasonable even in theory. If the League is to be more than a forum or a diplomatic gathering, it must be given the power to decide important problems by vote; but it is obvious that such decisions under the present constitution of the Assembly would contradict the principle of equality itself. Why should the 825,000 people of Albania be given the same voting power as the one hundred and six millions of the United States or the forty-two millions of Great Britain, each citizen of the first nation thus counterbalancing in world matters fifty or one hundred Britons or Americans? In order to prevent such a "rotten borough" system as this, we have the present control by the Council, in which the Great Powers have perpetual seats.

Liberals have criticised the undemocratic character of the Covenant. The League should be, writes Professor Duggan, "one of peoples rather than of governments."[3] Brailsford suggests that the Assembly should constitute a real international Parliament, indirectly elected from national chambers by proportional representation, and that a Political Council elected by the Assembly should deal with disputes.[4] Changes readily suggest themselves also in the manner of amending the Covenant, inasmuch as the present provision that amendments must receive the approval of the nations represented in the Council practically assures permanent control by the present Great Powers. It is unthinkable, however, that these Powers should give up this control or consent to membership in a world parliament, with the

[3] Op. cit., p. 15 ff.
[4] Op. cit., p. 87.

expectation of being outvoted by states whose sovereignty is but nominal.

Apportionment of Representation

Even if the smaller states should consent to inequality, on the other hand, the criterion of this inequality presents a new problem. The international importance of states cannot be weighed with the same facility which weighs their respective mails every six years for the apportionments of the Universal Postal Union.

Wealth, area, population, military power,—all are possible criteria, the present permanent memberships on the Council corresponding roughly to the last-mentioned form of superiority. There is a direct connection, however, between wealth and military power, on the one hand, and Imperialism on the other; and Imperialism has not proved, on the whole, beneficial to civilization. Area and population possess the disadvantage as criteria of being uncorrelated with social advancement and consequent fitness for active government. The vast areas of China and the submerged millions of India could not and should not outweigh the small states of Belgium and Switzerland.

Yet population has become established as the ultimate criterion of power in national politics. Americans are quite accustomed to the balancing of great North Dakota by little Rhode Island, and assign superior electoral privileges to New York because of its population rather than its wealth. The correlation of population with industrial power is in general sufficiently close among nations, as among the United States, to insure to the Great Powers a continuation of prestige on a population basis, as

well as to furnish the middle-class nations with a stake in the League which they do not now possess.

The most serious difficulty in this method of apportionment would lie in the possible assignment of power to populous but disorganized territories such as China and despotic empires like that of old Russia. A similar situation exists in the United States in the presence of semi-barbarous Indian tribes and of large numbers of negroes who are as yet without full civil or political rights. The Indian problem was met, however, by counting out these tribes in making Congressional apportionments according to population, and there have been frequent suggestions to adjust the negro situation by counting out these disfranchised persons also in the fixing of representation.

Modification of the Population Basis

A practical modification of the population standard in the International Parliament, therefore, might consist in the recognition of only fully enfranchised citizens. As with the different states of our Union, differences in the details of enfranchisement might be allowed to remain, but in case of need an International Enfranchisement Union might find it worth while to attempt a standardization in the essentials of this important matter. Such a Union could count upon the active support of the socially advanced nations in exacting a standard commensurate with their own from their partners in world government, and would carry the added advantage of tending literally to "make the world safe for democracy."

Upon the whole, the problem of securing liberty in a society of unequals remains fairly well illuminated by the Constitution of the United States. It is indeed true that the indivisible union and re-

nounced sovereignty of our States would be both impossible and inadvisable in a society of nations. The bicameral legislation, on the other hand, with the equality of States in the upper house, might be considered a cumbersome and perhaps inexpedient concession to sovereignty. In its apportionment of authority upon the ultimate basis of population, however, in its prescription of liberty in certain specific essentials, and above all in its provisions for its own amendment, our Constitution contains profitable suggestions for the builders of international government.

The Problem of Sanction

A problem even more fundamental to government than Equality is that of Sanction.

"The resort to arbitration in some form," writes President Lowell,[5] "must be compulsory under a penalty which no nation, however strong and self-confident, will venture to face, . . . a deterrent that must be absolute."

Pitman B. Potter[6] classifies the term Sanction thus:—

> The idea of a sanction for political or legal regulation ordinarily includes both a measure of force which is deliberately placed behind the terms of a political and legal arrangement by its authors for the purpose of enforcing that arrangement and rendering it effective upon those to whom it is intended to apply, and also a measure of force which in actual fact does stand behind the terms of such an arrangement and tends to render it effective although it has not been placed there by the authors of the pact.

In reviewing the historical attempts at international government down to the present time, we have

[5] In Duggan, op. cit., p. 98.
[6] Securities and Guarantees in International Organization, *Am. Pol. Sci. Rev.*, May, 1922.

noticed four general types of sanction, which we may roughly classify as religion, personality, force, and mutual consent working through public opinion. While these seldom appear singly, in nearly every case one special sanction may be found to preponderate.

The Religious Sanction

Religion, not unmixed with force, constituted the binding power of the Amphictyonic League, and carried it successfully through many generations. A far purer form of religious sanction, however, is seen in the theocracy of mediæval Catholicism. As has been noted, the weapons of the church were in the last analysis entirely spiritual, but the monarch who dared defy excommunication or the interdict was usually foredoomed to failure.

The religious sanction has not wholly vanished from the world. In the form of the oath it still constitutes the ultimate appeal in our own law-courts; the Holy Alliance attempted its revival; and in the pious phrases of statesmen it maintains a shadowy existence. In the Christian church it still lives as a vital spark, ready to be fanned into flame, though the Society of Friends is perhaps the only considerable body into whose international practice it has entered as an element. Even aside from the twentieth century preoccupation with material progress, the cult of patriotism has so far displaced that of religion in the more advanced nations that, for a time at least, we can expect little validity for this sanction in the international relations of governments.

The Personal Sanction

The sanction of personality, combined with both religion and force, stood behind ancient guest-friend-

ship and the complexity of the feudal system. After the break-up of the latter, and the emergence of the dynastic state, it was the personal pledge of the monarch that, formally at any rate, guaranteed relations between states.

The institution of diplomacy became an attempt to project the sovereign personality beyond his physical presence, and the network of royal marriages that spread over Europe aimed to stabilize this guaranty through coming generations. It is the mutability of the personal sanction, combined with the inevitable frailty of human nature, that constitutes its essential weakness. After the death of Queen Victoria, widow of a German prince, the personal sanction dropped from Anglo-German friendship, and the impersonal forces that made for rivalry found ready support in the French sympathies of King Edward.

The modern alliance and international conference, in so far as they rest upon diplomacy rather than popular mandate, labor under the weakness of the personal sanction, as international policy may at any time be reversed by the fall of a ministry upon an irrelevant issue. While the later modification of President Roosevelt's action in Panama is a case in point, a more striking illustration is the repudiation of the League itself by the United States after its virtual initiation by President Wilson.

The personal sanction, strong as it may have been in feudal days, cannot fail to lose its validity with the progress of democracy.

The Sanction of Force

Material compulsion, exercised through military or economic force, has constituted the time-honored sanction of International Government.

The ancient empires rested upon military power, often merely potential, while modern imperialism relies at will upon financial or military pressure. Up to the present time force has loomed large in the sanctions of all attempts at international as well as national government. Perhaps the nearest approach in history to a government renouncing this sanction existed in the early Commonwealth of Pennsylvania, which for seventy years conducted its internal affairs and maintained relations with Indian tribes upon a non-resistant basis.

Force as a League Sanction

In the present League of Nations force is generally assumed as the ultimate sanction. Such a liberal as Brailsford tests the League by the question, "Can it be so composed that there will be in every probable contingency an available superiority of military and naval strength at the command of the League, if any member of it should resort to aggression?" *

The amendments of 1921, on the other hand, have made it clear that the force to be employed by the League is economic and not military.

The latter element is not essential, according to Potter: "In most cases there exists ample force to render international organization effective without the employment of armed might, if only it were possible to bring that force into contact with the subject-matter of, or the parties to, international disputes." [7]

This problem of bringing the League force into action, however, is a serious one. As has elsewhere been suggested, "resorting to war" is an ambiguous term, and the identification of the aggressor in any

* *A League of Nations*, p. 47.
[7] *Political Science Review*, May, 1922.

given instance is a task far from easy. For a successful application of the boycott, nevertheless, it would be necessary that the fifty or more League members should respond immediately to notification by the Council, and act unanimously in spite of the varying economic interests involved. In case of failure on the part of any Powers, the League has no authority to compel action, and the Council can do no more than make recommendations to the respective members.

Most important of all, can we expect the Council itself to arrive at a unanimous opinion in any given case? Even with the customary exclusion of contending parties from voting, the sacrifices involved in non-intercourse are so unevenly distributed that it is hard to conceive of a wholly disinterested decision.

The fact remains that the financial and commercial boycott has not once been invoked by the League, even in so menacing a conflict as the Greco-Turkish War.

In view of these many uncertainties, accordingly, and in view especially of the exclusive alliances allowed within the League, it seems unlikely that any powerful nation would seriously inhibit its plans of aggression by the expectation of immediate punishment by the forces of the world.

Is This Sanction Adequate?

"If the peace presently to be made is to endure," said President Wilson in 1917, "it must be a peace made secure by the organized major force of mankind."[8] As far as physical force is concerned, however, the League has rightly made no attempt at such a security.

[8] Quoted by Moore in Duggan, op. cit., p. 70.

Only the smaller powers, writes Potter, are now ready for even the limited guaranty of Article X; the Great Powers "and their people count on being able to take care of themselves . . . and their politicians . . . are opposed to any step which would hamper the national discretion and their own opportunities for influence."

"To-day," he tells us, "there still exists no effective guaranty and no pretense of guaranteeing anything beyond the bare minimum of existence."[9]

A way may indeed be found by which "the organized major force of mankind" may be made certain of operation without infringing upon national sovereignty.

There is still doubt, on the other hand, as to the unfailing efficacy of force as a sanction in international affairs, even when drastically applied. An aggressive nation is invariably assured by its government that right is on its side, and in that case to yield to the threat of superior force would lay it open to the suspicion of cowardice. In this connection we may note the statement of Blackmar and Gillin in their *Outlines of Sociology:* "All great nations are brave; it is silly vanity for any one of them to claim unique excellence in this respect."

The employment of force as a deterrent, according to John Bassett Moore,[10] assumes that nations can be controlled like individual criminals; yet France, confronted in 1793 by united Europe and a shortage of food, fought for twenty-two years and ended with its boundaries hardly diminished. A second assumption is "that a people laboring under a sense of grievance, will be deterred by a disparity

[9] *Am. Pol. Sci. Review,* May, 1922.
[10] In Duggan, op. cit., p. 75.

of numbers and of force from incurring the hazards of a conflict. All history teaches the contrary."

The Sanction of Public Consent

The fourth possible sanction for International Government is that referred to by Voltaire in his question, "What is necessary in order to govern men . . . by right?" and his answer, "The free consent of the peoples."[11]

This popular consent appears a weak sanction indeed. It carries no automatic penalty, and is subject to the grave charge of mutability. Ministries change, and the crowd is fickle. Yet, with all its disadvantages, we find that the consent of the people has formed an essential element in all sanction, and that the strongest experiments in International Government so far have been those in which this consent loomed largest.

The Federation of Switzerland has strengthened with age, as has that of our own Republic, although the Supreme Court is still without power to enforce its decisions between states. The Roman Empire, relying upon the sanction of force, disintegrated continuously, largely because of the very strength of the armies which this sanction involved. The British Empire to-day is weak where it governs by force, and impregnable in the colonies whose bond is free consent alone. The right of refusal, said Burke in discussing taxation, is the strongest assurance of revenue; and the statement may perhaps be extended to cover all government.

Even where force appears as the first sanction, a second glance always shows the consent of the people to be the ultimate law-enforcing power. The important matter is not the strength of the guns, some-

[11] Phelps, op. cit., p. 21.

one has said, but the direction in which they are pointed.

"There is not now, and probably there never has been a government that did not rest on public opinion." [12]

All treaties and alliances, the Hague Conventions and the League itself, hang directly upon the pledged word of the governments, and through it upon the consent of the nations. Treaties have been broken by many nations of recent years, the most flagrant case being the German invasion of Belgium. Any force brought to bear by the League, however, is dependent, as was the neutrality of Belgium, upon the consent of peoples to abide by a governmental pledge.

"Intelligent public opinion," writes Potter, "is the most powerful sanction available, and the one which must be relied upon for final support in any event." [13]

The Conditions of Stability

Since we seem thrown back upon public consent as the ultimate sanction for International Government, it is well to consider what elements in this consent are likely to make for the stability which such government requires.

Perhaps the most important condition for permanency is that this consent must come from the people rather than from a mere government. This principle was emphasized in the League Assembly of 1920, when President Motta declared that, while the material sanctions were of doubtful power, the League would rule by moral force, not as an alliance of governments but as an association of nations.

[12] Park and Burgess, op. cit., p. 829.
[13] *Am. Pol. Sci. Rev.*, May, 1922.

Governments are essentially mutable, being subject to every chance of personality and politics, and agreements resting upon governments alone are always precarious. The Tsar's promises to pay and the concessions given by the Mexican Diaz are contracts which have suffered much at the hands of fortune.

A weakness of the present League is that it nowhere contains provision for the consent of the people, either to the appointment of representatives or to the enactment of measures. Its unfortunate history in the fluctuations of American party politics could probably have been largely avoided by a submission of the Covenant to the direct suffrage of the nation.

Although the people is longer-lived than the government, on the other hand, it is proverbially changeable. Yet one of the accomplishments of social science is that it has succeeded in locating elements of permanence in peoples, even aside from their governments.

The Constant Elements in Public Consent

These comparatively constant qualities in public opinion range themselves generally along two lines, that of economic interest, and that of the mores of the group.

"The basic sanction of any international organization to-day," says Potter, "is to be found in the body of world commerce and world communication which has come into being in the past fifty years." He goes on to state, however, that people in general are not yet properly aware of these conditions and still balk at specific steps in world organization.[14]

The great investing interests of the Powers pos-

[14] Pitman B. Potter, *Am. Pol. Sci. Rev.*, May, 1922.

sess perhaps the fullest information upon this body of world commerce, and in certain phases of their activity are true internationalists; their mutual rivalries, however, have prevented them so far from marshalling the forces of public opinion behind measures so obviously advantageous to the nations as the removal of trade barriers. A more consistent leadership has been contributed by the workers' International, which has preached without intermission the doctrine that the interests of labor throughout the world are identical.

As the consciousness of mutuality in these interests must form an important element in the permanent sanction for which we are looking, we may devote the next chapter to seeking for light along economic lines.

Our search for a second element of permanence, in the mores, will lead us into still other paths, where we may learn from social psychology something of the genesis of the mores, and from biology the utility or disutility of special mores in the process of evolution.

Persistence of the War Régime

Of all criticisms that can be made of the League established at Versailles, the most serious is this, that it has failed to put an end to war, or even to check the war régime. Notwithstanding the exhausted condition of Europe, there has been no period since the armistice when hostilities were not in progress. The fourth year of the League finds the conditions of the Peace Treaties not only unfulfilled, but openly repudiated in the Near East and practically so in the Ruhr.

The Covenant proposals for limitation of armament, once joyfully hailed as harbingers of peace,

are now not only disregarded but forgotten, while the results of the extra League Five-Power Treaty that took their place are thus characterized in the *Literary Digest* for December 16, 1922: "Mid-December a year later shows the naval treaties ratified by Britain, America and Japan, but practically no 'scrapping' done, ratification opposed in the French Chamber of Deputies, and the American Secretary of the Navy insisting emphatically on our need of a navy 'second to none.'"

Details of the naval expenditures of the nations, as given by Graser Schornstheimer in *Current History* for November, 1922, show the following figures:—France, 90 per cent more than in 1914; England, 181 per cent more; Japan, 290 per cent more; Spain, 275 per cent more, "a comparatively greater amount than she has spent since the formation of the Great Armada in 1586;" Italy, 372 per cent of the 1914 expenditure; and the United States, 174 per cent more than in 1914.

That the persistence of war preparations by the members of the League is prompted by genuine belief in the imminence of war is indicated by the expressions of public men.

In no appreciable degree does the burden of expected war seem less oppressive than in the years before the League. Philip Snowden, Labor member of Parliament, wrote in March, 1923:—"The state of Europe to-day is one of more aggressive militarism, international hatred and passion than was the case in 1914."

We can no longer plead that nations are forced into war and armament for lack of other means of securing justice. Our survey of international government up to 1914 and of the Covenant and achieve-

ments of the League of Nations has shown that war can no longer be charged to the absence of adequate machinery for the settlement of disputes.

The problem has expanded beyond the limits of international government itself into the environment that surrounds it. What conditions are leading the nations to reject government and choose for themselves anarchy?

The question has been answered from the economic, the biological, and the psychological points of view. "War is inherent in the present economic system." "War is a necessity for race development and survival." "War is an inevitable consequence of the primitive instincts of man."

It is to an examination of these contentions that our remaining chapters will be devoted.

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CHAPTER XIII

ECONOMICS AND INTERNATIONAL ORGANIZATION

In approaching the subject of International Government from the economic point of view we are immediately confronted with a contradiction suggested in the preceding chapter. On the one hand, we find that the network of commerce in which the world has of late years been involved has tended to strengthen the demand for international organization, and in certain directions has actually supplied a portion of the governmental machinery. On the other hand, we are told that the conflicting economic interests arising from our industrial system are themselves the chief cause of modern war.

The latter contention is maintained from different points of view by both Liberals and Socialists.

The Socialist Theory

Until very recently the discussion of war and international relations as economic phenomena was confined chiefly to the adherents of Marxian Socialism, a feature of this philosophy being an explanation of war according to the characteristic Marxian theories of surplus value and the economic interpretation of history.

The doctrine just named is stated as follows in the preface of Frederick Engels to *The Communist Manifesto*:—

> In every historical epoch, the prevailing mode of economic production and exchange, and the social organization

necessarily following from it, form the basis upon which is built up, and from which alone can be explained, the political and intellectual history of that epoch.

The economic interpretation of history has for some years found acceptance among non-Socialist authorities. Among Socialists it has received material support from the theory of surplus value, elaborated in *Capital,* by Karl Marx.

According to this theory, the working-class regularly receives in wages a value less than that which it has created, the surplus value going to the employing class as profits in one form or another. As industry develops, this surplus value, owing to certain causes outlined by Marx, tends toward a greater proportion of the annual product, the share of the workers by hand and brain becoming proportionately less.

As this class greatly outnumbers the capitalists, a point is reached at which the latter are unable to consume their surplus income, since the expansive power of individual consumption is limited, especially as regards staple products. The surplus tends therefore to reinvestment, with a consequent increase of capitalist income in geometrical ratio. The working-class, who, because of their numerical preponderance, must furnish the chief market for staples, are less able each year to buy back the values which they produce. Overproduction becomes acute and an industrial crisis ensues. The wheels of industry are brought almost to a standstill for a time, until the accumulated stock is consumed and demand once more arises, when the cycle begins again.

Socialist Explanation of War

As industry tends to be conducted on a vaster and vaster scale, however, even the temporary halt of

the crisis becomes insufficient to restore the balance, and the employers of the nation look about for foreign markets in which to sell their overplus. At first these are furnished by less advanced neighbors; but, as nation after nation reaches the surplus point, all become sellers rather than buyers, and begin to reach out after undeveloped territory as a market for what cannot be consumed at home.

It is in the struggle for foreign markets that modern wars have their source, the economic motive usually lying hidden under more or less irrelevant immediate causes. Whether or not the coveted territory is secured, the war, by its unproductive consumption of capital and withdrawal of labor from industry, is sure to reduce materially the stock of surplus goods and clear the way for a new business revival.

This process cannot last forever, say the Socialists. With growing expansion and complexity of industry, the regularly recurring crises become harder for the delicate fabric to withstand. The strife for undeveloped territory grows more acute as the circle of industrial nations enlarges. An end must come, and to the Marxian this end lies in the break-down of the capitalist system and the inauguration of the cooperative commonwealth and internationalism.

This is not the place for a discussion of the Marxian theories, nor of the statistics which are adduced even by those Socialists who have rejected Marx's reasoning in *Capital* to show that the proportion of the product received by labor grows steadily less. We pass over also the problem of the recurrent crisis, with the question whether the tendency has not been toward a depression less acute but more prolonged than in the early days of capi-

talism. What interests us is the reaching out by the Powers for foreign markets, curiously foretold by Marx ten years before the modern Imperialist movement, and the Socialist contention that war is thus an inevitable feature of the present industrial system.

The Process of Industrial Expansion

The prophecy of Marx was inaccurate, however, as to the special form that Imperialist acquisition would take. While for some time the contest centered about foreign markets in the literal sense, where consumers' goods from beads to whiskey could be exchanged for the simple wealth of primitive communities, the type of investment gradually changed. As has been mentioned elsewhere, the staple of industry in such nations as England changed from textiles to iron, from consumers' to producers' goods. It became profitable to export the machinery itself rather than the ultimate product, and to superintend the building of factories and railroads in backward countries such as China, where a supply of cheaper labor was at hand.

Furthermore there were gradually opened up countries inhabited by barbarous or decadent populations where rich resources in raw material lay waiting to be developed by European enterprise. While the foreign possession has continued to serve as a market for manufactured articles and for the machines and steel rails which set new manufactures in motion, the typical process in modern Imperialism has been the investment of capital itself, to be used in opening up resources hitherto untouched and reaping their rich harvest.

Imperialist Investments

Interesting statistics of imperialist investments appeared in the *Quarterly Review* for October, 1914. The public investments of Great Britain overseas amounted to 3,554,000,000 pounds sterling and the private investments to 355,000,000, making in all 3,909,000,000 pounds. Of the public investments 1,770,000,000 pounds were made within the Empire, India receiving 447,000,000. The classes of investments outside Europe are enumerated as "railways, manufactures, mines, tramways, electric lighting undertakings, cattle-ranches, tea, coffee and rubber plantations, water-works, nitrate fields, etc."

In all these investments in undeveloped or backward countries great risks are involved. Exorbitant interest is demanded as an insurance for this risk, after receiving which the investor proceeds to ask from his home government a protection which shall as nearly as possible wipe the risk out.

Economics and the Peace Treaties

While economic ambition held no appreciable place in the motives of the soldiers who fought the Great War, or in the literature which expressed in various ways the ideals of the belligerent nations, there is growing evidence of underlying economic causes for what appeared at first a biological conflict or the mere stemming of dynastic aggression.

If you want to know what a war was about, someone has said, look at the treaty of peace. While this doctrine may not go unchallenged, it is interesting to note that the treaties of Versailles, Saint Germain and Sèvres were largely economic in their provisions, and in the carrying out of these provisions almost wholly so. The war slogan of "making the world safe for democracy" left no trace upon the

treaties, though an excellent opportunity was presented in the reconstruction of new and vanquished states and in the mandated territories. Vengeance upon the Kaiser was turned aside by the simple refusal of extradition on the part of the Dutch government, and even the punishment of Germans accused of atrocities was confined to a few trials in their own courts, the whole matter being presently passed over by tacit consent.

The economic provisions of Versailles, however, have absorbed the world's attention since 1920. The rearrangement of the German frontier, in the Saar Valley, for example, has taken account of mines as much as of races. Conference after conference has been held, at first devoted chiefly to the problem of reparations, but at Washington devoted to the reduction of armament expenses and at Genoa looking toward a general clearing-up of economic difficulties. The great problem of the peace has centered around the difficulty of at the same time crushing Germany's rivalry in the world market and enabling her to pay the indemnity in exported goods. As Frank A. Vanderlip expressed it,—Should France choose beef or butter, kill the cow or continue to milk her?

Modern War Economic in Its Origin

A consequence of the recent conflict seems to have been a general acknowledgement that this war, like most others, was economic in its basis. There is a general point of view, moreover, that armament exists largely as an insurance for business interests.

Said Admiral Coontz to the National Association of Manufacturers in 1922, "If we spend $300,000,000 a year on our navy, and thereby maintain an open market throughout the world for $8,000,000,000 worth of exports, is not this a good investment?"

"There is no justified avoidance of the conclusion," writes Glenn Frank,[1] "that most modern wars are at their base predominantly economic in motive. Not that foreign offices attach materialistic labels to their war-aims; not that bread-and-butter motives are baldly displayed on the banners that are used to stimulate morale; but the thing that usually gives the show of validity at home to a war-policy is the existence, actual or assumed, of an economic necessity, in the attainment of which the nation is, or may be made to appear, threatened or thwarted."

"Economic problems," we are told by Frederick Keppel, "have taken the place of problems of religion and of dynasty as offering the greatest danger of future wars."

Specific economic causes have been brought forward in place of or supplementary to the general explanation of the struggle for undeveloped territory.

The Munition Interests

Brailsford and others have presented interesting statistics as to the part played by munition-makers in the stimulation of "preparedness" and eventually of war itself by the fomenting of international suspicion.

Prior to the Great War several great American corporations were engaged in the manufacture of munitions: the Carnegie Steel Co., a subsidiary of the United States Steel Corporation, identified with the most powerful group in Wall Street, the Bethlehem Steel Co., the Midvale Steel Co. and the Du Pont Powder Trust. The combined capitalization of these, including the U. S. Steel Corporation, amounted to nearly two billions. In Great Britain

[1] Duggan, op. cit., p. 185.

four firms controlled a capital of 250 millions,—Vickers Sons and Maxim, Armstrong, Whitworth and Co., the Cammell-Laird Ordnance Co., and the Harvey United Steel Co., the average dividend of these firms running from seven and one-half to fifteen percent. France had the Schneiders, paying a twenty percent dividend, and Germany,—in addition to the famous Krupp Works,—the German Arms and Munitions Factories, with over one hundred millions capital and a normal dividend of twelve percent.

Both in England and in Germany the munitions firms included among their stockholders the owners of influential newspapers. The Krupps enjoyed personal relations with the Kaiser, and were closely connected with the centers of finance; and in England the Vickers Company counted among its stockholders 123 members of Parliament or men closely related to the government.[2]

At various times certain armament firms in different countries have been charged with deliberately spreading false rumors of war in order to encourage "preparedness." Charges of this sort were brought out in connection with the Mulliner Incident in England in 1909, and with the Poutiloff affair which aroused France a few months before the outbreak of the World War.[3]

Irrespective of these unusual charges, a normal activity of the firms mentioned is the stimulation of armament in weak nations such as China, sometimes in connection with burdensome loans, and the selling of obsolete equipment to barbarous states, thus stirring up revolution and violence. "Who arms the hillmen of the Indian frontier, the road bandits of

[2] Frederick Howe, *Why War?*, p. 109 ff.
[3] M. O. Hudson, in *The New Republic*, November 16, 1921.

Persia who recently killed certain British officers,—who arms the slavers of the Gulf, and the Arabs of the Tripolitaine, the Somalis and Abyssinians, the Albanians and Cretans, the revolutionaries of South America and the innumerable natives of inner Africa?"[4]

Congressman Tavenner reported in 1915 what he termed "a world-wide war trust." Of the shares of the Harvey Steel Company of England, ten thousand were held at the beginning of the war by seven British firms, fourteen thousand by Italy and France, 7,462 by Krupp and others in Germany, 4,301 by the Bethlehem Steel Company, and others by Austria and Belgium.

"During the days of keenest naval competition between England and Germany," writes M. O. Hudson in *The New Republic*,[5] "the English firms supplying the British government were also interested through their affiliations in supplying Germany's chief allies and the chief producers in Germany profited not only from Germany's increases but also from England's efforts to overcome them."

Profits of Munition Firms

Official investigators of the Navy Department reported that from 1896 to 1914 our government paid $440 per ton for armor plate which could be manufactured for $279 or less, thus paying to private firms in eighteen years $34,392,981 which would have been saved by a government plant. In 1915-1916 we find the Bethlehem Steel Co. conducting an organized campaign of opposition to the construction of a government armor plant in accordance with the recommendations of various secretaries of the navy.

[4] Perris, George Herbert, *The War Traders*, p. 13.
[5] November 16, 1921.

It is not surprising that American munitions firms profited enormously by the outbreak of the War. On July 28, 1914, Bethlehem shares, which had fluctuated around ten dollars, sold at thirty-six dollars; in February, 1915, they were $54, and in October shares were sold as high as $500. In the same month Colts Arms shares sold at $840, Du Pont Powder at $390, and Midvale Steel at $500. In one year the increase in value of securities of corporations filling war orders from the United States was over 850 millions.

However altruistic may be the desires of these firms and of their financial connections for the maintenance of world peace, it is evident that their vested economic interests run counter to the establishment of an efficient international government.

Tariffs and War

Tariff barriers, condemned by President Wilson in the Fourteen Points, have long been recognized as potent causes of the jealousies that lead to war.

A most serious tariff development is pointed out by Gorton James in the *North American Review*.[6] "Throughout Europe," he writes, "there is widespread apprehension of future wars;" and in his opinion a chief cause of this apprehension lies in the preferential export duties that were set up after the war all over the world. As is natural, they have been carried to an extreme by the new states, such as Esthonia, Latvia and Lithuania. The Balkan states went into them very heavily immediately after the war, but later reduced them. Although most of the international meetings since the Peace have passed condemnatory resolutions against such taxes, they have been adopted to an unprecedented degree

[6] April, 1922.

by the Great Powers. In 1914 the only example of preferential export taxes as a general colonial policy was that of Portugal, even Germany making no attempt at the system. Since the War, however, Great Britain has begun to levy these duties to a serious extent, beginning with a tax on the tin of the Malay States and more recently placing duties on tanned hides from India.

Economics and International Government

This generally acknowledged connection of war with an economic rivalry that the Great War has done little to abate cannot fail to affect seriously the efficiency of international government. The fact must be faced that in every industrial country the economic interests of private citizens wield a power at least equal to that of the government, and the latter must either work in harmony with them or commit political suicide. We are accustomed to the conception of J. P. Morgan and Company and the Standard Oil Company as informally among the Great Powers.

It is difficult to conceive of the industrial nations, which one day are struggling for concessions for their several business interests, meeting the next day in a League Council to settle according to principles of abstract justice the political destinies behind the concessions. Economic and financial corporations, even though they may be composed of philanthropists, do not themselves desire abstract justice or equality before the law. They and the states with which they are associated continue therefore to protect their interests by the old competitive methods. The machinery of the League of Nations is used only when it may be convenient.

This individualism of strong industrial states

most affect not only the methods of settling international problems but also the working of the League's anti-war provisions. The economic boycott which constitutes the chief weapon against a violator of the Covenant must be maintained at heavy cost by the business elements of the various League members. Can we expect the governments supported by these business elements to inaugurate such a boycott to defend some weak and stranger state against similar and perhaps allied economic interests in another Great Power? We have elsewhere drawn attention to the twenty-one demands upon China made in the interest of Japanese business, and of the seizure of the governments of Haiti and the Dominican Republic at the instance of the National City Bank of New York. In cases of this type the League machinery is clearly unable to function.

Oil and International Relations

A glance at one economic interest alone, that of oil, may serve to illustrate the strength of business in directing the policies of the Powers.

Some figures taken from *Shipping*[7] may be of value here. While the United States is the greatest oil producer in the world, the next two countries are Russia and Mexico, Russia producing 81 million barrels in 1920, and Mexico 150 million as compared with less than 88 million the previous year. In estimated resources, on the other hand, Russia stands at the head with 10,000 million barrels; then come Persia and Mesopotamia with 8,000 million, and, after the United States with 7,000 million, we have Northern South America and Mexico with 6,000 and 5,000 million respectively.

It may be noticed that these oil countries include

[7] April 25, 1921.

at the same time the chief scenes of disorder during the past five years, and the territories in which the League of Nations has attempted little, if any direct functioning.

Oil and the Near East

It was not as an oil-producing region, but as the scene of Turkish misrule, that Mesopotamia and the neighboring countries interested the civilized world up to 1914. Accounts of massacres from a period long antedating the War had aroused public opinion to demand the rescue of the Christians of Asiatic Turkey from Ottoman rule, and one of the achievements of the conflict was believed to be the liberation of these peoples as a consequence of Turkish defeat.

As has been mentioned, mandates were assigned by the Powers to Great Britain and France, but the censorship of Eastern affairs after 1914 kept the circumstances from general knowledge for some time. It transpired that the mandate for Mesopotamia was assigned to Great Britain at San Remo in 1920 by the Supreme Council, in connection with a secret Franco-British treaty. This treaty granted to Great Britain a monopoly of Mesopotamian oil, but allowed France 25 percent of the product in return for the pipe line privilege across her territory.[8]

When this mandate was given, however, Great Britain had already been in possession of the Mesopotamian oil fields since 1917, despite the claims of the United States for concessions negotiated with Turkey between 1898 and 1910. The development of the resources in this region had begun in 1913 and 1914, the oil of Persia being pumped to a station on the Turkish island of Abadan.[9] As early as Sep-

[8] Text of San Remo Agreement in *Second Year Book*, p. 408.
[9] *Shipping*, loc. cit.

tember, 1914, moreover, Great Britain ordered the occupation of this island for the purpose of "protecting the oil refineries, tanks and pipe lines" on the neighboring Persian shore, and "to show the Arabs that our intention is to support them against the Turks." War was not declared with Turkey until October 30, but a week before this date an agreement was concluded with Emir Hussein Ihn Adi to support the Arabs against Turkish rule in the Hedjaz, the principal section of Arabia, including the sacred cities of Mecca and Medina.

In 1916 Emir Hussein proclaimed his independence and became King of the Hedjaz, supported by a secret treaty with the British. He was recognized as king by the Sèvres Treaty and invited to charter membership in the League of Nations, his son Feisal being made King of Mesopotamia or Irak by the British. It was this ruler to whom as a sovereign the British delegation referred the suggestion of the Washington Conference to discuss the Mesopotamian oil situation.

This valuable territory has not been held without cost, however. The Arab population continued to fight more or less actively against the rule of the British, who were compelled to retain in that district an army of 100,000, with a powerful air force.

Meanwhile the French, disregarding the Treaty of Sèvres, and less interested in oil than in the historic Bagdad Railway, negotiated a treaty with the Nationalist Turks at Angora in the fall of 1921, which enabled them immediately to withdraw their troops from Cilicia. Lord Curzon protested vigorously at first against this desertion of British oil interests; but through the Council of Ambassadors in the spring of 1922 the matter was amicably settled by an armistice with the Angora government. The prob-

lem of Armenia was handed over to the League of Nations; as no nation desired to accept the mandate, and as most of the Christian inhabitants had already fled the country, no action was taken and the Turks were left in possession. Cilicia, 165,000 of whose people had abandoned their homes in terror of the Turks, remained in the hands of Kemal Pasha.

"Turkey has never before," wrote Henry Woodhouse,[10] "been so free and so dominant over her own territory."

The sequel to this armistice is a depressing one. Greece, insisting upon her claims under the Treaty of Sèvres, continued the fight alone, in a disastrous campaign ending with the destruction of Smyrna, and the death of thousands of non-combatants.

The Powers summoned a hasty meeting at Mudania, followed by a formal Conference at Lausanne, in November, 1922. Throughout the discussion, the protection of Christian minorities was completely overshadowed by the question whether Turkey, or Great Britain as mandatary, should own the oil fields of Mosul. Under the terms of Class A mandates, the inhabitants of Mesopotamia were entitled to a voice in the selection of a mandatory Power. Turkey maintained, however, that the people of Mosul, in Irak or Mesopotamia, were averse to British rule; and their contention was supported by the news during the Conference of a revolt against Feisal, whom the British had set up.

Negotiations dragged on till February 4, when the Turkish delegates refused to sign a treaty referring the oil matter to the League, and insisted on a plebiscite. In March the Angora government also rejected the treaty, but with authorization to continue

[10] *Current History,*

efforts for peace; and the negotiations at Lausanne were resumed.

"It is quite unprecedented," said *The New York Times,*[11] "that a beaten foe should reject a treaty imposed by the victors, as the National Assembly at Angora has done."

Public opinion on the situation is fairly well illustrated by the following comments. The first is that of the Paris correspondent of *The New York Times*:[12] "Who seriously believes that the present Asia Minor tangle has any other origin than the rivalries of England and France? If the two had stood together on the principles laid down at the end of the war the Turks would not now be coming back to Europe."

The second comment, from *The Nation,** indicates a certain point of view in criticism of the League and its relation to imperialism:—

> Who should get the Mosul oil fields? This, as every intelligent person knew, was the real question before the Lausanne Conference, as it was a chief cause of the Greco-Turkish War which made the Conference necessary. . . . Ismet Pasha promised Lord Curzon that Turkey would enter the League of Nations, and Lord Curzon replied sardonically "This makes many things easier," the point being that England holds a mandate for Mesopotamia under the League of Nations, and that it is by virtue of this mandate that she is claiming for Mesopotamia the Mosul oil regions. Turkey, once a member of the League, will have put her head in the noose. She will have subscribed to the control of the League, and must abide by its judgments; to depart from this course would be again to raise the moral indignation of the world against her. But the League Council —controlled by Great Britain—will determine the boundaries of Mesopotamia. It will, it is fair to assume, declare the Mosul oil fields to be a part of Mesopotamia rather than

[11] March 9, 1923.
[12] October 4, 1922.
* January 3, 1923.

of Turkey. England will get the oil. Turkey, a member of the League, will have practically no voice in the decision; while her membership in the deciding body will deprive her of the moral value of independent action.

Oil and the Mexican Situation

Another state against which popular indignation was long aroused is Mexico. Punitive expeditions crossed the border on several occasions to secure protection for American lives and property, and the United States continued to refuse recognition to the Obregon government. Mexico was excluded from the League along with Russia and the Central Powers.

Moral obliquity was not the only count against Mexico, however. Drastic reforms had been initiated by the new government in the direction of public ownership of natural resources, Article 27 of the Mexican Constitution reserving to the state all subsoil minerals. This provision threatened the rights of oil-well owners, but Obregon refused to give to Great Britain and the United States an assurance that the new law would not be retroactive in effect.

The oil and tanking industry of Mexico, centering around Tampico, is chiefly controlled by American and British companies, concessions having been given under former Mexican governments. "An immense amount of American capital," says *Shipping,* "is very profitably employed in this industry. America promises to be a still larger factor in Mexican petroleum industries in the next few years. The large British petroleum companies are likewise heavily interested in Mexican industries and have much capital invested in them."

The recognition of Mexico and her admission into the family of nations, therefore, appear to hang, aside from a settlement of certain financial matters

with American banking interests, upon a solution of the oil situation that will satisfy the foreign investor. In January, 1923, a committee was appointed by the Mexican government to meet with the oil men and recommend an interpretation of Article 27. The Mexican people appear to feel, rightly or wrongly, that the question involves national honor and independence; and, to quote *Current History,* the problem seems to be whether Obregon can succeed in propitiating Mexican punctiliousness "without endangering the substantial and important interests which it is the duty of the Washington administration to protect."

Oil and the Russian Situation

A third country which long remained outside the pale of world intercourse is Russia. According to popular opinion, the governments waited for some moral or political change in Soviet rule before giving it recognition. When Russia was invited to the Genoa Conference, however, the conditions presented to her by the Powers proved to be chiefly economic in character, centering around the payment of her debts. These were declined by Tchicherin on grounds which need not here be detailed.

An interesting comment, however, is that of Raymond Leslie Buell, in *Current History* for March, 1923: "The failure of this conference was due to many causes, not the least of which was the question of Russian oil."

The situation was a peculiar one. The demands as first drawn up against Russia arranged for the restoration of confiscated property to the original owners where possible, and if not, of its equivalent. This apparently convenient provision was strenuously opposed by Belgium on the following grounds.

Of the property in question a large amount was in the form of oil fields which had fallen since the War into the hands of British and Dutch companies. If an equivalent should be admitted in the reparations demand, these companies could retain their holdings and power, to the jeopardizing of Belgian interests, but if every piece of property should be compelled to go back to its original owner, the holdings of these companies would automatically be broken up, and other investors would thereby be benefited. Belgium, supported by France, held out for this change in provision for some time, but eventually yielded, and the Powers presented their demands in harmony. Upon the refusal of Russia, the problem was referred to a later economic conference at the Hague, where the various oil groups agreed henceforth to carry on in common their negotiations with the Soviet government.

To sum up in the words of Mr. Buell:—

> No better illustration of the influence of economics on diplomacy can be found than in the case of oil. France and Poland sign a political and military alliance, whose published terms have little to do with commerce or industry. Yet it is not surprising to learn that five French companies control one-half of the Polish oil production and that in Poland British interests have only 27 out of 355 wells. There are many reasons why the British egged on the Greeks in their stupid war against the Turks. But not the least of these was the grant to the Royal Dutch Shell last September, of an oil monopoly in Macedonia. France was more than recompensed for signing the San Remo agreement in the Spring of 1920, because thereafter the British stopped supporting King Feisal in his campaign for the independence of Syria from French rule. In 1920 Japan seized Northern Sakhalin, Russian territory, as security for the settlement of a massacre of Japanese at Nikolaievsk, a city on the Siberian coast. The Japanese Navy Department set about at once to exploit its very valuable oil fields, and, although the Japanese troops have

withdrawn from the Siberian mainland, they are to-day in Northern Sakhalin.

The League and Economic Rivalry

The conclusion seems on the whole unavoidable, from the illustrations which the oil industry has accorded, that the Powers cannot reasonably be expected to sacrifice their old custom of carrying economic rivalry into world politics. Routine matters they willingly turn over to the League of Nations; the quarrels of small states may be settled by it; and mandates such as that for Armenia, which promise more responsibility than advantage, may be left in its charge. The Great Powers have evinced no desire so far, however, to resign the business of imperialism to the impartial decisions of International Government.

It seems clear that the rivalry of the Powers springing from our economic system is not only a principal cause of modern war, but also a serious source of weakness in the League of Nations. It is no less evident, on the other hand, that the complexity of this same economic system renders it directly dependent upon the efficient functioning of some form of international government. In the absence of such functioning, there can be little hope for the restoration of Europe to prosperity.

The Economic Situation in Europe

The shattering of the economic fabric by the Great War is too obvious to dwell upon. In addition to the actual destruction of property, the fabulous cost of campaigns and the blotting out of man-power, there occurred the paralysis of international credit and the soaring of prices due to inflated currency. The end of the conflict left one section of the western world literally starving, and the other section in an

abnormal state of stimulation, soon falling to hard times and unemployment. Taxes for the past war were bearing down heavily, and expenditures for new armament, in spite of the promises of permanent peace, continued unabated. The British Army and Navy expenditures, which had amounted to 90,875,400 pounds sterling for the year 1912-1913,[13] remained in 1921-1922, three years after the armistice, at 204,030,000 pounds.[14]

Most serious of all, the disorganization of international industry has grown in some respects worse instead of better; the "Balkanisation" of Europe through the splitting up of Empires into small nations, each with its own trade barriers, the partial divorce of that partnership between town and country upon which modern society is founded, and the disintegration of industry through economic revolutions,—all these have made the rehabilitation of Europe a baffling problem.

To the solution of this problem economists have bent their efforts: men such as Keynes, Angell, Vanderlip, and Irving Fisher have from various social view-points counselled moderation and mutual aid.[15] The statesmen of the Powers, however, have called one conference after another in which this advice has been for the most part disregarded and the chief efforts directed toward the collection of debts from Germany and Russia. The only reconstructive expedients which they have seemed seriously to consider have been loans on a large scale, such transactions as, when tried in the past in China and Russia, have tended to increase rather than lessen the puzzle of international complications.

[13] *Statesmen's Year Book*, 1913.
[14] Stephen Lausanne in *Current History*, April, 1922.
[15] Keynes, for example, proposed the reduction of the German indemnity from 138 to 36 milliard marks.

Said the British Lord Chancellor in February, 1922, "Let me in a few candid sentences tell you exactly where we stand to-day. Europe is still prostrate and stricken. There is no prospect of the resumption of healthy and normal trade with vast areas, and yet without the certainty of that resumption there is no hope for British labor, employment and finance." [16]

In the fall of the same year an American observer, Senator McCormick, testified: "The financial situation of many of the governments of continental Europe is so desperate, the economic condition of the peoples who support them is so serious, that we may expect the gravest events before the end of the winter, unless the European victors in the late war act with economic wisdom, prudence, and foresight hitherto foreign to their policy." [17]

The facts just cited seem to justify those writers who maintain that international government is a natural development from present world commerce, and that in its absence our complex economic structure is in danger of complete wreckage. On the other hand, whether or not we accept the Socialist hypothesis as to the inherence of war in the present industrial system, it seems evident that the economic rivalries of the Powers for world markets and investment fields are incompatible with efficient government among nations. The apparent contradiction may be explained when we consider that it is the economic advantage of the masses of each nation that is dependent upon the success of world government, while it is the interest, real or fancied, of certain investing groups within the nation that tends

[16] Earl Beauchamp in *Cont. Rev.*, March, 1922.
[17] *The Nation*, January 3, 1923.

at so many points to block the wheels of international understanding.

The conflict which led up to the war, says Partridge, was not between the nations as groups, but between "the economic interests of those nations, which stood to gain in the struggle, and which had the secret or outspoken sympathy and support of their respective governments." He goes on to quote Thorstein Veblen, that the common man gains nothing by this rivalry but "an increased bill of government expenses and a probable increase in the cost of living."

The Hesitancy of Statesmen

As we look back upon the series of conferences which since 1920 have essayed in vain to solve the economic puzzles of reconstruction, we are struck less by the mistakes made by the Powers than by the hesitancy and vacillation displayed by their representatives in taking any action whatsoever. In their very rivalry the statesmen are confused and held back by a divided allegiance.

On the one hand we have the industrial interests of which oil is a type, and the powers of finance of which Partridge writes: "There can be no doubt . . . that these financial relations have become the main occasional causes for wars." On the other hand we have the people as a whole, careless and often ignorant of the rivalries of the investors, and desirous in general of a display of idealism on the part of its own government; that portion of the people which is influenced by the doctrine of the working-class International goes so far as to insist actively upon economic cooperation with outside nations.

In view of these contradictory demands to be met, the statesmen at the conferences seem, not unnatur-

ally, to have been balancing between the electorate, on the one hand, and, on the other, the "compelling power of propertied classes that control governments."

A possible reason for the diplomatic success of the Russians at the Genoa Conference, where, according to Vanderlip, they started with but one "poker-chip," their invitation, and ended with more chips than any of their fellow-players, was their freedom from this embarrassing division of responsibility, for the Soviet government, whatever its merits or demerits, possessed the rather unusual advantage of an open identification of the economic and political sovereignty.

In the absence of an industrially authoritative International Government, it is difficult to conceive of salvation for Europe by the checking of Imperialist rivalry. In the helplessness of the economic situation without such government, and in the apparent nullification of this government by the economic interests themselves, there appears to be an *impasse*.

Suggested Economic Remedies

In suggested remedies for the situation, therefore, we find the economic element looming large.

The Remedy of the Socialists

The Socialists and the Workers' International emphasize the contention that the interests of production and consumption in all nations are identical, while the interests of profit are mutually exclusive. The remedy they prescribe is drastic, and logical if their premises are accepted. Since, they say, the struggles of economic imperialism are the root cause of international anarchy, and since this imperialism

is a necessary development of the profit system in industry, there is but one remedy—the abolition of the profit-system by the adoption in the developed countries of an industrial democracy, the ownership and control of production by the workers through the political government and organized labor. This solution, furthermore, would give the statesmen a free hand in their upbuilding of a League; for with the control of industry by a people politically free we should at last possess that unity of national aim which can come about only through an identification of the economic and the political powers.

The Remedies of the Liberals

The Liberal group, on the other hand, are unwilling to concede either that war is inherent in the profit system or that the interests of investing groups in the different Powers are necessarily antagonistic.

The allocation of raw materials among the nations by a restoration of the Inter-allied Commission is a typical remedy of Liberalism, as was the abolition of trade barriers proposed in the Fourteen Points. The moderation of the German indemnity and the cancellation of Inter-Allied debts are urged, in the confidence that the investors of the various nations may be brought to believe that their interests are not opposite, but identical.

While the Socialist contends that political institutions are always the outgrowth of the economic, and therefore places little faith in a League of Nations that is not founded upon economic reorganization, the Liberal strives to broaden the political machinery of the League, hoping thereby to control the economic rivalries that now stand in the way of concerted action. Accordingly, the admission of Russia

and Germany into the family of nations is urged, and the administration of mandates by international commissions has been demanded by the British Labor Party.

Most of these proposals are generally recognized as advisable, but none so far has gained the assent of the Great Powers.

Defects of the Liberal Remedies

The majority of Socialists and League advocates are alike in their expectation that the war régime will automatically disappear with the inauguration of certain economic and political institutions, and that direct agitation against war is therefore unnecessary.

According to the Liberal, war is caused by the absence of machinery for securing justice and checking aggression among nations, or by adventitious defects in international industry which make for needless rivalries. In the presence of a world organization approaching in efficiency the Danube Commission, of a League of Nations which could be counted on for united chastisement of an aggressor, and of a world court which should place international justice on a par with national, he sees the coming of world peace.

Consideration has elsewhere been given to the difficulty of establishing institutions such as these among armed nations, as well as to the improbability of a speedy, correct and unanimous judgment among the League members as to the aggressor in any particular war. Granting these achievements, however, which could not fail to be of inestimable international benefit, the cessation of war is not a necessary consequence.

Answer must still be made to the Socialist contention that economic struggle between nations is inherent in our present system, and that without the periodical waste and destruction of war this system would perish under the weight of its own product.

Aside from Socialist theory, moreover, it does not require great effort to visualize war under even an efficient international liberalism. It seems idle to count upon an efficiency in such world organization superior to that of our own national government, for example; yet we know that internal economic rivalries exist in the United States in a serious form, and that predatory interests are continually seeking to use government for their own ends. We are saved from intra-national war by the total absence of armament among these rival interests, and by a public opinion which would not tolerate physical conflicts on their part. If such interests persist in the new world organization, among armed and self-conscious nations, we may reasonably expect them not only to block the wheels of international legislation at times, as now of national legislation, but also to involve their home governments in the ensuing quarrel.

We should remember also that, while conscious aggression is rare among nations, the desire for even-handed justice is perhaps equally rare, and the efficiency of the international court may not lead to its invariable employment by well-armed governments in preference to the older methods of defending group rights. Any outcropping of the Old Adam in a League member would be liable to bring on a conflict which could hardly fail, under an actively functioning League, to become a world war.

Defects of the Socialist Remedy

The drastic remedy of the Socialists will, if the Marxian argument be accepted, remove the most potent cause of modern wars. As a guarantee of world peace, however, it still leaves much to be desired. According to Marxian theory, a group can achieve the cooperative commonwealth only as a development through capitalism from the preceding stages of society; and it is thus unavoidable that the profit system must be abolished by the nations one at a time according to their industrial maturity, the process extending over a long period. During this time, the provocation to war cannot fail to be very keen on the part of a social democracy hemmed in by capitalist neighbors. The history of Russia might tend to be repeated by one nation after another through centuries of chaos, with the conceivable effect of a reversion to barbarism and another painful cycle of industrial evolution.

Even in a world of cooperative democracies, war is far from impossible. The solidarity of labor throughout the world would not necessarily survive the fall of the common enemy; and it is not improbable that international jealousies might be strengthened and extended by securing to every worker a direct stake in the wealth of the community.

There is danger, moreover, that both Socialist and Liberal may have fixed attention too exclusively upon the rational causes for war, losing sight of factors that lie deep in the physical and mental structure of humanity. The fallacy of the economic man may not have wholly disappeared.

Summary

That modern war is caused, at least in part, by economic factors is no longer denied. Upon this

realization, Liberals and Socialists have built up different suggestions for political and industrial reconstruction which they believe will automatically put an end to war.

The issue between these two groups in respect to international government lies in the question whether, on the one hand, the rivalry of investing interests among the Powers is without permanent basis and can be controlled through the institutions of the League, or whether, on the other hand, such rivalry is inherent in the profit system and will continue to nullify the efficiency of the League of Nations until cooperation takes the place of investment and the economic and political powers in each nation are fused.

Meanwhile we must remember that, while the economic process is fundamental to society, neither men nor nations are swayed entirely by conscious economic motives, or, indeed, by rational motives of any sort. The problem of war must be approached not only indirectly, through economics, but directly, in the light of biology and social psychology. Only as an approach to this solution may be reached can we hope for the establishment of international government and the economic restoration of the world upon an enduring basis.

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CHAPTER XIV

BIOLOGY AND INTERNATIONAL GOVERNMENT

The science of biology has long been discussed in connection with international relations—less because of any light that it is expected to throw upon the problems of world-government than because of the support claimed from biology for the contention that such government is predestined to fail because of the biological inevitability of conflict and its utility in evolution. The argument is a fundamental one and must be dealt with before we can give to the League of Nations that faith without which it can never be effectual. Is conflict so inevitable that the mores of international cooperation can never be firmly established, and would those mores, if once adopted, prove detrimental to the evolution of the race?

Conflict and the Darwinian Theory

Appearing as it did in the decade before the Franco-Prussian War, the Darwinian theory was quickly seized upon by rising Prussian militarism, just as the classical political economy had previously been adopted by academic German thought. From the doctrine of the Survival of the Fittest by means of Natural Selection the process of the Struggle for Existence was especially singled out. It was applied first to prove that war is inevitable and second that it is beneficial to the human race.

From the beginning of organic life the struggle for existence has gone on, weeding out the weaker

individuals of a species and those species least adapted to their environment. Sometimes the process of selection has been purely sustentative, where different species have competed by means of adaptation to the food-supply; more often in the animal world it has been directly lethal, where the successful species has exterminated others by superior physical prowess. We cannot expect the workings of evolution, say the apologists for war, to be checked by mankind. We are destined to continue the struggle for existence, the weaker individuals among us perishing before they have left offspring, and the weaker nations disappearing from history before the more virile. War is thus a part of the process of nature, as ineradicable as life, death or sex.

The Survival of the Fittest

Furthermore, this eternal conflict, though at first sight cruel, is an actual blessing to the race, as through it the survival of the fittest is achieved. Only through the elimination of individuals ill adapted to their environment has humanity become what it is; only by the extermination of unfit races has progress been possible. Long periods of peace render a nation luxurious and materialistic, and without the ever-recurring tonic of war mankind as a whole would become soft and effeminate.

The general argument is thus stated by Bernhardi: "The struggle for existence is, in the life of Nature, the basis of all healthy development. All existing things show themselves to be the result of contesting forces. . . . The law of the stronger holds good everywhere. Those forms survive which are able to procure themselves the most favorable conditions of life and to assert themselves in the universal economy of Nature. The weaker succumb. . . . In the

plant world and the animal world the process is worked out in unconscious tragedy. In the human race it is consciously carried out and regulated by social ordinances. . . . Without war, inferior or decaying races would easily choke the growth of healthy budding elements and a universal decadence would follow."[1]

The Crude Doctrine Obsolescent

The embodiment of these views in certain phases of the German conduct of the Great War served to bring about such a strong revulsion of feeling as to render them in the crude form as given above practically obsolete. They might be considered a dead issue were it not for the evident lingering in the minds of many persons of the conviction that occasional war is inevitable and ultimately salutary—a conviction showing itself in the continued preparedness of the Powers and in the hesitancy on the part of peoples and governments alike to trust themselves unreservedly to the peace régime attempted in the League.

We must not make the mistake of reading theory into what is largely an instinctive persistence. Philosophies do not make wars, says Partridge, but are used to justify them.[2] We must bear in mind, nevertheless, that it is the philosophy of one period that often directs the unreasoning response of the next, as the wage-fund and the *laissez faire* doctrine still survive to hamper labor legislation.

While it is true, moreover, that the biological plea for actual war has largely vanished from serious thought, and affects the League of Nations chiefly through its echoes in popular suspicion, there is a

[1] *Germany and the Next War*, p. 18, 20.
[2] Op. cit., p. 108.

form in which it still exercises profound influence, even within the League. This is the general conception that, though war may be an evil, military superiority is our best criterion of race and national fitness, and that therefore world welfare is best secured by the domination of the strongest military governments. McDougall makes the statement that military power implies intrinsic superiority, while industrial does not.[3] At the present day, however, the two are so closely correlated as to be nearly synonymous; and the belief is held almost as a popular axiom that the nations possessing this power in the highest degree are therefore best adapted to rule the world.

It is difficult to explain on any other theory the choice by the League of mandataries and of permanent Council members, for, while Great Britain, France and the United States have possibly obtained a deserved reputation for disinterestedness and the quality of statesmanship best fitted to secure peace with justice, the same can hardly be said of Japan, or even Italy, in comparison with Switzerland and the Scandinavian neutrals.

It seems worth while, therefore, to recapitulate the argument against the contention that might makes right from the evolutionary point of view, as indicating fitness for survival.

Human Conflict Not Inevitable

In the first place, the dogma of the inevitability of conflict between species has no applicability to the internal wars of the human race, but only to the struggle for survival by which it is rapidly exterminating such of the lower animals as it cannot adapt to its purposes. Even the inter-species con-

[3] See *The Group Mind*, pp. 227-239.

flict depends for its inevitability upon an insufficiency of sustenance making impossible the coexistence of individuals or groups. With the beginning of human labor, however, a new factor entered into the situation by which the food supply could be extended at will, and efficiency in peaceful pursuits took its place as a determining element in evolution. Nasmyth has called labor "the real struggle of the human race."[4]

The further elaboration of mutual aid into organized production not only made practicable the coexistence of large groups in the same habitat, but made the coexistence an actual condition for survival. Just as the sustenance of a modern farmer is more certain than that of a Robinson Crusoe, so is the food supply of an agricultural group rendered more stable by the presence of a neighboring city, which, by its specialized technique and facilities for storage and communication, can largely neutralize the effects of a famine or other disaster. It is in a broad sense the principle of increasing returns in the more complex forms of industry that has reversed for the human race the elementary conditions of conflict. Every decade of invention and organization puts off still further the point of diminishing returns, and until that point is in sight for the world as a whole it is idle to pronounce physical conflict inevitable.

Certain corollaries have been drawn from the biological argument to the effect that nations must still contend for such aims as an outlet to the sea or a place for their surplus population. While these aims may be very desirable, a struggle to obtain them cannot be termed a part of the inevitable process of nature, as it depends for its practical significance upon a purely political matter, the artificial

[4] *Social Progress and the Darwinian Theory*, p. 63.

barrier which a neighboring state may set up against commerce or immigration. In fact, Partridge denies the pressure of population as the cause of war, attributing the German desire for colonies in 1914 to a sentimental survival, closely associated with the land-hunger which was once a real need, but now represents merely a demand for prestige in aristocratic nations.[5] It is just such artificial hindrances as the trade and population barrier that international cooperation can effectively deal with.

Race Antagonism

A further reason for the biological inevitability of conflict is found by some writers in the inherent antagonism between the races of mankind. Partridge speaks, indeed, of a group antipathy, founded on fear, as is most hatred, and valuable for maintaining the cohesion of a group through a long period of time.[6] Although he tells us that the permanent sense of differences must continue to prevent security in national friendships, there seems little evidence for the existence of inherent antagonism between human groups. We may see here, as in the argument from survival, the persistence in popular thought of a conception which has lost scientific significance,—in this case, because the hard and fast lines once believed to distinguish the different races have become less and less distinct. Of late years, E. C. Hayes considers, we have been "less confident of our ability to differentiate man biologically according to racial types and groupings."[7]

"It is only in the last fifty or sixty years," says H. G. Wells,[8] "that the varieties of men came to be

[5] Op. cit., p. 129 ff.
[6] Op. cit., p. 49.
[7] *Introduction to the Study of Sociology*, p. 452.
[8] *Outline of History*, One Volume Edition, p. 110.

regarded . . . as a tangle of differentiations recently arrested or still in progress. . . . All races are more or less mixed." Wells calls attention also to the error of former philologists in supposing that language resemblances furnished a trustworthy guide to biological race, an error that confused more or less the popular conceptions of race and even of sub-race. Parmalee tells us that it is difficult to segregate ethnic from cultural factors. Only in pronounced types are nations able to distinguish their nearer from their more distant relatives.

Even in clear cases of race differentiation it is not easy to prove the existence of antagonism sufficient to produce conflict or even universal aversion to inter-breeding. The presence of thousands of mulattoes in the United States bears witness to this fact, as does the large Eurasian population in the East. There are many cases of normal marriages between Japanese and Americans, and the French people practice no social exclusion of the negro such as is found in the United States.

The antagonism to Germans as a "race" which developed popularly during the World War was, of course, unsupported by biology. Germany and France belong for the most part to the same Nordic and Alpine races, and the northern French are ethnically closer to northern Germany than to their own countrymen in the South.

"If the term 'race' be used in its only scientific and rational sense, none of the national groups in question constitute races, since none are racially homogeneous, and it would, indeed, be difficult to find a national group that is so. . . . The use of the term 'race' and 'nation' as synonymous is wholly unscientific."[9]

[9] Herbert, *Nationality and Its Problems*, pp. 11, 13.

Even as an objection to a special stock of the Teutonic race, this antagonism possessed little foundation, as is shown by a post-war article in the *Eugenic Review*.[10] Here Mr. H. Laughlin lauds the German stock from a eugenic viewpoint. He terms it a "sterling and assimilable human stock," and believes that the Great War has settled the mission of Germany as the replenishing of the world rather than the spread of her culture by conquest.

It is natural that race antagonism should loom large in war propaganda, as race is visualized as a concrete difference between the in-group and the out-group lending itself easily to personification; but as a biological element in conflict it seldom if ever appears.

The Utility of Conflict

Not only the inevitability of combat, but its utility in bringing about the survival of the fittest was stressed by the older biologists. Even Spencer believed that "the struggle for existence between societies has been instrumental to their evolution." Nasmyth has pointed out two errors in this reasoning: "1. He compares the struggle between individuals of *different* species with the struggle between individuals of the same species. 2. He compares the struggle between individuals to the struggle between collectives."[11]

It seems that here also the error has been made of predicating in human society the conditions of struggle prevalent among animals and primitive man. Writers such as Parmalee and J. Arthur Thomson[12] point out the danger of basing sociology too closely upon the selective theory of biology. Not

[10] January, 1921.
[11] Op. cit., p. 53 ff.
[12] *Biology and War*, p. 8.

natural selection, says the former, is the cause of progress, but the variations in themselves.

"There has not been sufficient recognition in biology of the part that has been played by the mental and social forces in organic evolution." [13]

Dysgenic Effect of War

It has long been pointed out that, owing to radical changes in methods of fighting, modern war has lost almost entirely the eugenic effect it formerly exerted upon a race by weeding out the weaker individuals, and has acquired instead a dysgenic influence.

War now kills off the socially fit rather than the unfit, says Ellwood.[14]

"When fighting was with fists and teeth or even with bludgeons and swords, the strong man, the courageous and intelligent would survive and the weak and unintelligent would be eliminated. Now that fighting is with instruments of precision at great distances and between those self-selected for bravery, or selected after physical examination that shall send only the best to fight while the unfit are safe at home, the condition is reversed. In modern war the fit are eliminated and the unfit survive." [15]

David Starr Jordan and others have made suggestive studies of race degeneration as the result of such conflicts as the Napoleonic and our own Civil War, and of the dysgenic effects of peace-time preparedness, by its segregation into barracks of men in their reproductive prime. While the facts of the World War seem not to have been analyzed as yet from this point of view, the surface indications are

[13] Parmalee, *The Science of Human Behavior*, p. 74.
[14] *Sociology and Modern Social Problems*, p. 51.
[15] Pillsbury, W. B., *The Psychology of Nationality and Internationalism*, pp. 295-296.

that the vast numbers involved, together with the selective nature of the prevalent combination of volunteer and conscript service, have brought about even more far-reaching dysgenic effects.

As Partridge brings out, furthermore,[16] the entire argument from selection, for or against war, is of little practical importance from the strictly biological point of view, as it is built upon the assumption that in war biological groups are involved. As has before been suggested, human groups are not biological entities, but aggregations that are far from wholly genetic. We have probably no pure races, and the differences between human groups are not primary variations, "having selective value," but secondary variations, historical rather than biological. Modern war is not a conflict of races, analogous with the struggle of species, but a struggle of slightly differentiated sub-races, crossed and recrossed in historic times by ties of kindred.

The Group Struggle

The biological argument, however, does not always confine itself to the process of literal survival by the transmission of individual variations. Such opponents of the theory as Novikow and Nasmyth have made clear that the crass form of struggle by which the fighting individual survived early gave way to the group-struggle, where the herd accustomed to mutual aid was able to withstand the onslaughts of stronger but more isolated rivals.

The German militarists, even in their frank advocacy of struggle, placed their reliance not upon individual prowess, but upon efficiency of group organization. Bernhardi himself wrote: "In the extrasocial struggle, in war, that nation will conquer

[16] Op. cit., pp. 5-9.

which can throw in the scale the greatest physical, mental, moral, material, and political power, and is therefore the best able to defend itself."[17] It is the variation of the doctrine just mentioned, that of group superiority as shown by efficient military organization, which seems to lie at the bottom of the present acquiescence in domination by the Great Powers.

Group survival in the literal sense is no longer an evolutionary process. "When we conquer a nation in these days, we do not exterminate it; we leave it where it was. When we 'overcome' the servile races, far from eliminating them, we give them added chances of life by introducing order, etc., so that the lower human quality tends to be perpetuated by conquest by the higher."[18]

> At least it may be questioned [writes Pillsbury] whether the state that survives in a struggle will be of the type that is most desirable. . . . The state fitted to survive in a struggle is apparently the one under an autocratic government, that shall emphasize the crass material forces and subordinate the intellectual and artistic. It must subject the wills of the many to the one and permit initiative only in the development of implements of war and of the many material resources that add to the effectiveness of the nation in war. This may include almost everything that improves effectiveness in physical ways, but at the expense of intellectual and artistic values and individual independence.[19]

In fact, since the end of evolution is the adaptation of the species to the environment as a whole, rather than to a passing phase in this environment, it has been suggested that peace is really the condition of survival of the fittest, as it provides the stable conditions that must in the long run serve as the test

[17] Op. cit., p. 20.
[18] Angell, *The Great Illusion*, quoted in *The Fruits of Victory*, p. 287.
[19] Op. cit., p. 296.

of adaptation, while war interrupts them by the temporary substitution of an abnormal environment. There is interest in the circumstance that Japan is at present many years behind Holland and Norway in internal political and social development, its financial and military strength being due perhaps to a forcing process which is not necessarily correlated with permanent group-values.

It seems, then, that the selection of the five greatest military powers for permanent Council membership can be justified less on the assumption of inherent fitness on their part than as a necessity forced upon the League by the circumstances of its inception.

Secondary Forms of Conflict

The essential element in the struggle for existence, according to Park and Burgess,[20] is not so much conflict, the conscious struggle of individuals in contact and communicating, as it is competition, the continuous and impersonal rivalry for position in an economic order.

On the other hand, we must not forget that conflict, though of less and less significance in the sense of physical combat, is a permanent and valuable type of social interaction. That war is not the only or the most important form of conflict is shown by the classification of conflict groups into gangs, labor organizations, sects, parties, and nationalities [21] and of types of conflict situations into war, feud and faction, litigation and the conflict of impersonal ideals.[22] War may exert the disadvantageous effect of reducing unduly the field of conflict through the internal truce of factions and the enforced conformity

[20] Op. cit., pp. 505, 574 ff.
[21] *Ibid.*, p. 643.
[22] *Ibid.*, p. 586, adapted from George Simmel.

to type without which it cannot be successfully carried on. Conflict of this secondary type, however, is not a biological, but a sociological factor.

Summary

Upon the whole, the chief positive contribution of biology to the present discussion lies in the evidence for the dysgenic effect of war which may prove an added incentive toward the perfecting of international government. As a theory of the causation of modern wars, biology has tended of recent years to yield its place to economics. Especially is the theory no longer tenable which was termed by Nasmyth "distorted social Darwinism" and defined by Novikow as "the doctrine that collective homicide is the cause of the progress of the human race."

It may well, says Trotter, "be removed to the lumber-room of speculation and stored among the other pseudo-scientific dogmas of political 'biologists.'" [23]

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CHAPTER XV

SIDELIGHTS FROM SOCIAL PSYCHOLOGY

In an inquiry into the genesis of the mores of international relations, we are reminded once more of a chief element of weakness in the League of Nations,—the fact that its highly perfected machinery, like that of The Hague before it, has in no appreciable degree released the world from the recurrent fevers of war and war preparation.

McCurdy, in *The Psychology of War,* goes so far as to discount the effectiveness, not only of international pacts but of disarmament as well. "If armament were abolished, people would fight with sticks and stones." War is something, in his opinion, "which cannot be altered by legislation or agreement any more than a man can be kept sane either by force or by promise."[1]

The Function of Social Psychology

Our only hope, he explains, lies in recognizing the instincts that cause war and choosing our course accordingly. It is here that we may look for aid from Social Psychology, "the science of the motives of the behavior of men living in social relations."[2]

We may expect Social Psychology, says Ellwood, to "show the way in which we may expect the individual to function in given social situations on the one hand, and the psychic mechanism of normal

[1] Op. cit., pp. 68-69.
[2] Partridge, p. 428.

social changes on the other."[3] Our task at present is to show the way in which individuals are likely to function in international crises and to find the psychic mechanism by which the social change from world anarchy to world government may normally occur.

Since our task is to attempt prediction of the actions of men rather than analysis of their states of consciousness, it is obvious that we must, as far as possible, take the objective rather than the introspective point of view. The experimental method in itself cannot take us far, however, in the examination of such a complex subject as the war motives, and we obtain little help from psychology as the behaviorist Watson conceives it, "a purely objective, experimental branch of natural science which needs introspection as little as do the sciences of chemistry and physics."[4]

It is advisable, rather, to adopt the more moderate conception of Thorndike, "Behavior includes consciousness *and* action, states of mind *and* their connections."[5] In searching for the roots of war, we cannot avoid reckoning with consciousness and making use of introspection, treacherous as this method of research has often proved.

On the other hand, we may be saved from pitfalls if we approach where possible the objective and literal methods of the behaviorist, interpreting with a degree of impartiality the reactions of men and of animals, of the in-group and the out-group, and disregarding where we can the accepted figures of speech which are so prone to clothe states of consciousness with objective reality.

[3] *Introduction to Social Psychology*, p. 23.
[4] Watson, p. 27, *Behavior.*
[5] *Animal Intelligence*, p. 15.

Avoidance of Figurative Language

The avoidance of figures of speech is especially difficult in discussing the war motives, for international relations have long provided a happy hunting-ground for every form of symbolic art.

At the outset we may register a warning against the use of the time-honored figure which personifies the nation as an individual. Sociology has happened to assist in rationalizing this creature of the imagination by supplying the term, Social Mind, with its accompaniments of Social Memory, Social Conscience and Social Will. This is "used in psychology and sociology as a convenient expression for the psychic life of society."[6] Like the "social organism" of former years, however, it perhaps too readily lends itself to the conception of a nation as an actual personality.

Men's willingness to make war depends largely upon their readiness to conceive of nations as single personalities, to be loved, hated, rescued, or even chastised for their own ultimate good.

We find, however, that if we attempt to apply to groups the same conduct as to individuals, the expected results do not always follow. If we proceed to chastise a nation for guilt that it has incurred, for example, we may succeed instead in wholly destroying certain innocent persons within the nation, and leaving guilty parties unscathed; while each day brings a generation farther and farther removed from the original responsibility.

To the conception of the enemy as a magnified personality, rather than as a group of men, women and children, are due many of the otherwise incomprehensible barbarities of modern war.

[6] Ellwood, op. cit., p. 133.

The Social Mind

It is important to notice, therefore, that even for the faint degree of personification involved in "The Social Mind" there is far from unanimous authority among psychologists.

Professor Giddings, after a careful tracing of the idea from its first scientific conception by Lewes, wrote: "We must carefully avoid associating false conceptions with the terms Social Mind and social consciousness. These do not stand for mere abstractions. The social mind is a concrete thing. It is more than any individual mind and dominates every individual will. Yet it exists only in individual minds, and we have no knowledge of any consciousness but that of individuals." [7]

Ellwood also recognizes the existence of the Social Mind with qualifications: "There is such a thing, therefore, as a collective mental life in a social group, even if there is no such thing as a social mind in the same sense in which there is an individual mind." [8]

An analysis of the various theories is given by Morris Ginsberg, who concludes "that the use of the term social mind is exceedingly dangerous," as leading to the ascription to society of "a fictitious unity which it does not possess," as affording "autocracy or aristocracy the means of coming before us in the guise of democracy," as conducing to "the deification of society, and to the ascription to it of a dignity and power above the moral law which binds individuals," and as leading to "a fundamental and profound conservatism and a tendency to justify the status quo." [9]

McDougall is a firm believer in the group mind:

[7] Franklin H. Giddings, *Principles of Sociology*, p. 134.
[8] Op. cit., p. 133.
[9] Op. cit., pp. 48-50.

"We may fairly define a mind as an organized system of mental or purposive forces, and, in the sense as defined, every highly organized human society may properly be said to possess a collective mind." [10] On the other hand, he points to the use of the term "collective consciousness" by Schaeffle and others "to carry to its extreme the doctrine of Comte and Spencer that society is an organism," and approves of Spencer's insistence upon "holding fast to the consciousness of individual men as the final court of approval." He repudiates the collective consciousness doctrine, saying that such writers as Schaeffle draw from it the logical conclusion "that the welfare of the individual may be completely subjected to that of the state," and that it "has thus been used as one of the supports of 'Prussianism.'"

While repudiating "collective consciousness," however, McDougall defends the conception of a "general will," as part of his Group Mind theory, and in so doing comes perilously near the doctrine of state supremacy against which he has just given warning. Because of the existence of the general will he considers that group loyalty involves the support by the individual of the decision of even a bare majority. He uses the illustration now familiar to us of an anti-war minority who oppose hostilities up to the actual declaration. He maintains that from this point it is the duty of these individuals to support the war with all their strength. "That is the truth implied in the phrase—My country right or wrong." [11]

Upon the whole, both truth and the rights of minorities seem best served by Dewey's non-figurative statement: "It is difficult to see that collective

[10] *The Group Mind*, p. 9.
[11] *Ibid.*, p. 174.

mind means anything more than a custom brought at some point to explicit emphatic consciousness, emotional or intellectual." "A custom brought to explicit emphatic consciousness" does not lend itself readily to ardors of love or hate.

The Criminal Nation

In the light of these suggestions we may consider a conception of popular psychology that has often affected international relations both of peace and war. This is the theory that nations, as well as individuals, are divided into the good and the bad, the criminal and the law-abiding, and that, at least during certain periods of their existence, some peoples are consciously given over to selfishness, perfidy and wanton cruelty, while others can be counted upon to observe the dictates of international law at all hazards, to keep their agreements to the point of extreme sacrifice, and to exert power only in accordance with altruistic idealism. This tendency toward simplification is a natural one, and merely a projection into a larger field of our current judgments concerning individuals. It is of value for war purposes, inducing that moral indignation against the enemy, coupled with complete confidence in one's own cause and allies, without which hostilities cannot be successfully carried on. Under normal conditions, however, in international as in national affairs, this popular psychology may have the disadvantageous effect of encouraging too great confidence in legal machinery, under the supposition that criminals are rare, easy of identification, and readily punishable by the respectable majority.

The League Covenant has excluded certain nations on grounds which to the popular mind are counted as ethical; to other nations it has entrusted almost un-

checked power in world affairs. The enforcement of arbitration and peace it has left to the action of the members, who are expected at the call of the Council to align themselves into a law-abiding majority and a criminal individual or minority group. In default of this immediate alignment we must look for the old prejudices and alliances to assert themselves, with a possible repetition of 1914.

The Criminal Type

In the eyes of the psychologist, however, neither men nor nations can be so simply classified.

Modern criminologists reckon as the criminal type neither the chance offender nor the man whom circumstances have placed under abnormal conditions, but the person whose innate characteristics are incompatible with life in society. Yet between racial groups it is difficult to detect any innate differences. While Lombroso believes that racial differences as to criminality actually exist, Parmalee minimizes these differences and warns us against extreme statements in this direction.[12]

Experimental psychology has shown that, even between men of primitive and men of civilized communities, there is little fundamental difference in sensory discrimination, temperament, self and social control, and capacity for logical and abstract thought. We now recognize that it is these differences which mark the criminal from the normal type, fifteen to thirty-five per cent of our prison population being classed as defectives by these standards. In view of the approximate equality in these respects of races differing widely in culture, it seems unscientific to speak of a criminal nation.

[12] Parmalee, *Criminology*, p. 139.

Possibility of a Criminal Society

There is a certain contradiction, moreover, in the conception of a criminal nation, in the sense of a social group a majority of whom are criminal in their standards of conduct. A criminal is an anti-social person, and a nation of anti-social persons could not endure for a generation.

Socrates realized the truth that no group can exist without some morality: "If they had been perfectly unjust they would have laid hands upon one another." [13]

Separate groups may possess, within limits, different views of the right and wrong of social action. While each of us may be assured of the superiority of his own group standard, we must recognize that the very existence of an organized and self-perpetuating nation is proof that it constitutes a social rather than an anti-social unit.

Degeneracy, or criminality, may take place in a nation only in case of a break-down of the group's social ideals and of the social relationship already achieved; such a development must destroy "the coordination existing between the various social elements . . . by the growth of so many anti-social elements that social unity is destroyed." [14]

We cannot even, says MacCurdy, "be psychiatrically exact if we speak of a nation's becoming mad if it embarks upon a course of self-destruction," because "we have always assumed as a standard of normality of the individual an essential agreement with the average conduct of the community." [15]

[13] Quoted in Mecklin, *Introduction to Social Ethics*, p. 114.
[14] Blackmar and Gellins, op. cit., p. 494.
[15] MacCurdy, *The Psychology of War*, p. 9.

Atrocities in War

The occurrence of "atrocities" in war is generally accepted as evidence of national criminality. MacCurdy is correct in his statement, however, that atrocities "are more apt to preponderate in one country but probably present in all armies. The latter are openly or tacitly encouraged or, at least, condoned by each belligerent." [16]

After partisanship has cooled down, we sometimes find this condoning on the part of those who at first condemned. The frank statement of General Fries upon the use of poison gas has been quoted elsewhere, with his declaration, "No method of warfare that promises results can be abolished by agreement, unless all warfare can be so abolished." At the Washington Conference the British delegation quoted the words of Castex, a French chief of staff, in connection with the submarine attack upon liners: "It must be recognized that the Germans were absolutely justified in resorting to it." [17]

A nation which has long been charged by the civilized world with the commission of serious atrocities is Turkey. Interesting developments of the Greco-Turkish campaign of 1922, however, have been the meeting of these accusations by counter-charges apparently well authenticated, and by an official refutation submitted by Ismet Pasha to the Lausanne Conference.[18]

That the commission of atrocities in war is not correlated with criminality among a people, or even with criminality of a certain type, is indicated by the statistics of our own country. "There can be no doubt," writes Ellwood, "that the amount of

[16] MacCurdy, *The Psychology of War*, p. 58.
[17] *Current History*, February, 1922.
[18] *Ibid.*, February, May, 1923.

serious crime in the United States is relatively high."[19] He speaks specifically of "the characteristic American crime of homicide," stating that in 1910 only 2,902 out of 9,000 slayers were convicted.[20]

In an investigation of crime in our cities, Tomaso Sassone states that "in gainful offenses such as burglary and larceny, Americans exceeded. Of immigrants the Russians led in larceny, the French in prostitution, and the Greeks in violation of city ordinances." The Italians showed the "highest percentages of the aggregate of offenses of personal violence," including abduction and kidnapping, except in Chicago, where Eastern Europeans were slightly in the lead.

If the charges of war atrocities could be taken as an index of group criminality, we should expect to see the Teutonic and Asiatic nations leading in the commission of crimes, particularly those of personal violence.

National Morality

McDougall minimizes congenital differences in the morality of races, saying that "innate moral disposition has not evolved in the historic period."[21] This disposition he defines as follows: "The tendency to do what one believes to be right, which for the vast majority of men has always been simply the tendency to conform to the code of morals accepted by his society, has an innate basis which may properly be called the social or moral disposition."[22]

He goes on to give a second factor in group morals as tradition: "The morality of a people, objectively considered, is the outcome of the interaction between

[19] *Sociology and Modern Social Problems*, p. 332.
[20] *Ibid.*, p. 331.
[21] *The Group Mind*, p. 266.
[22] *Ibid.*, p. 263.

their moral disposition, on the one hand, and the moral environment of the individuals on the other; and the latter consists of two parts: (1) the traditional system of precepts, customs, laws, in short, the code: (2) the traditional systems or sanctions by which the code is upheld and enforced."

According to McDougall, it is the second element alone, that of tradition, which has advanced during the historic period. He cites the treatment by civilized races of domestic animals as a case where tradition shows a great advance over innate moral sense as exhibited in the treatment of wild animals by the same groups. We may conclude also that tradition is the only element of morality in which the nations show appreciable differences. Tradition as to the permanence of the marriage bond, for example, varies not only among nations, but even among our own United States.

It is true that traditional standards of conduct may vary widely, at least for a time, in certain respects. In 1850 the United States differed sharply from the rest of the civilized world regarding the righteousness of slavery; in 1914 the German Empire stood out in insistence upon the supremacy of the state over individual morality; in 1921 England and France held opposing standards as to the justification of submarine warfare.

It is even possible that a government may be guilty of criminal action with respect to another nation or its own subjects. While a sovereign power cannot commit crime in a technical sense, "in a sociological sense, a serious offense against society may be a social crime, even though the law has not been passed defining such act as criminal."[23] As we have mentioned, however, single offenses do not

[23] Blackmar and Gillin, op. cit., p. 478.

bring either an individual or a nation under the criminal classification in the absence of permanent evidence of social abnormality.

Extreme differences of standard in international ethics may be accentuated by the chances of government personality, but usually rest upon some real or fancied necessity of national life at a particular period. They must always be reckoned with and allowed for in international contacts; but it is dangerous to base upon them any alignment of nations as ethically good or bad.

Mediocrity of National Ethics

International government must remain permanently more complex than intranational, because of the essential absence among societies of simple motives and characters.

"Social action," writes Mecklin,[24] "is usually the resultant of the more or less conflicting ends sought by individuals and groups. The social will, therefore, can never be so effective as the individual will."

Among individual ethical types, we meet the occasional white or black; among nations we find only fluctuating shades of gray.

Benjamin Franklin wrote to Alexander Small in 1789: "I believe governments are pretty near equal in honesty and cannot with much propriety praise their own in preference to that of their neighbors."

Figurative and Literal War

An approach to literalness is frequently of advantage in the discussion of international struggles, in order to avoid the confusion of war, the organized

[24] Op. cit., p. 133.

conflict of groups, with individual combat. The latter is a simple and immediate response to stimulus, more or less reflex in character, and always direct and concrete. The former is complex and indirect. The physical behavior of modern nations at war, even of those persons under arms, admits the natural reactions of pugnacity only upon special occasions, such as the bayonet charge. War is initiated, not as is personal combat, by an instinctive blow, but by an involved series of written signs and spoken words. Routine activity consists largely of such movements as walking, writing, and manipulating machinery, and can gratify the pugnacious instinct only by an intellectual perception of means and ends. War is a highly developed social institution, which may even require the inhibition of the combative impulses.

"In earlier days there was something more than a verbal connection between pugnacity and fighting; anger and fear moved promptly through the fists. But between a loosely organized pugilism and the highly organized warfare of to-day there intervenes a long economic, scientific and political history. Social conditions rather than an old and unchangeable Adam have generated wars; the ineradicable impulses that are utilized in them are capable of being drafted into many other channels."[25]

The War Instincts

With due caution against misleading figures of speech, therefore, and especially against the confusion of complex modern behavior with primitive reactions, we attempt the discussion of the instincts that lead nations to war.

The psychological roots of conflict, and conversely

[25] John Dewey, *Human Nature and Conduct*, p. 113.

of the reluctance of nations to commit their interests to the peace régime of international government, have been dealt with more fully of recent years than ever before. Light has been thrown upon them especially by researches on the one hand into the primitive instincts of the individual, and on the other into those of the herd. In the opinion of MacCurdy, "Freud and Trotter are probably the only two psychologists who have initiated hypotheses that are not essentially tautological." [26]

"Psychological investigation," wrote Freud, "proves . . . that the deepest character of man consists of impulses of an elemental kind which are similar in all human beings, the aim of which is the gratification of certain primitive needs." [27] These elemental impulses may include habits wholly or partially acquired, and true instincts, which are innate.

The behaviorist Watson defines instinct as "a combination of congenital responses unfolding serially under appropriate stimulation." [28] The instinct is thus distinguished from the habit by its congenital, and from the reflex by its serial, quality.

Furthermore, "While reflex action is a definite and localized response, instinctive behavior is the response of the animal as a whole, and what is perhaps more important as a distinguishing feature, it is determined and controlled by a certain craving or want, a special mood or tension of feeling demanding satisfaction and persisting until the whole chain of activity has been completed." [29]

[26] Op. cit., p. 58.
[27] Freud, *Reflections on War and Death*, p. 18.
[28] Op. cit., p. 106.
[29] Morris Ginsberg, *The Psychology of Society*.

The Primary Instincts

McDougall gives a list of eleven primary instincts, seven of which are correlated with specific moods or emotions:—

Instinct—Flight	Emotion—Fear
Instinct—Repulsion	Emotion—Disgust
Instinct—Pugnacity	Emotion—Anger
Instinct—Curiosity	Emotion—Wonder
Instinct—Self-Abasement	Emotion—Subjection
Instinct—Self-Assertion	Emotion—Elation
Parental Instinct	Tender Emotion

The last four instincts of his list are not, according to that author, directly associated with corresponding emotions. They are the instincts of Reproduction, Gregariousness, Acquisition, and Construction.[30]

The play impulse is considered by McDougall as "a modified form of the combative instinct, an instinct differentiated from and having an independent existence alongside the original instinct."[31]

The above are the only instincts that McDougall recognizes in human psychology, aside from such minor impulses as those that prompt to such movements as crawling and walking.

Five of these twelve instincts—repulsion, curiosity, self-abasement, acquisition and construction—either exert no appreciable effect upon the initiation of war or else are as likely to influence behavior in one direction as the other. The acquisitive instinct, for example, is termed by Edman a cause of war; as a group policy it is indeed a frequent cause, but in the case of individual enlistment in war the acquisitive instinct is as likely to serve as a deterrent as an incentive. The instinct of self-abasement, with

[30] *Introduction to Social Psychology*, pp. 49-88.
[31] Op. cit., p. 112.

its emotion of subjection, may bring a nation, under certain circumstances, to offer terms of peace; it is a strong ally of the herd, however, and may lead an individual to place himself under military discipline from which the instinct of self-assertion would hold him back.

We will consider briefly the impulses that have been especially noticed as causes of war.

The Fear Motive

Of all primitive war motives, fear is doubtless the most nearly universal. It is important in the fights of the lower animals and savages, and appears with apparently undiminished force in the complexities of modern war. While the instinctive behavior commonly associated with fear is flight rather than combat, it is well known that a terrified animal is as liable to fight as to flee. Hobbes understood this tendency many years ago: "It is through fear that men secure themselves by flight indeed, and in corners, if they think they cannot escape otherwise; but for the most part, by arms and defensive weapons."

McDougall, in fact, considers pugnacity to a certain extent as a secondary impulse caused by an obstruction to the sex or hunger desires, or by the primary emotion of fear.

In the days of border raids for women and cattle it is easy to understand the urgency of fear as a war motive. Among civilized nations, where physical depredations by a neighbor are usually the effect rather than the cause of war, the fear motive might have lost much of its force were it not for the timidity of capital, on the one hand, and the development of propaganda on the other.

Partridge considers that fear as a motive of mod-

ern war belongs chiefly to the property-owning class, the common man having little to lose from the chances of international intercourse, except as they may lead to war. His timidity is aroused later on by the press, through suggestions of possible invasion and the necessity for defense. The same author is of the opinion that Germany was sincere in her protest that her great army and her entrance into the war itself were primarily defensive, for Germany had been the scene of devastating wars in the past, and feared, pessimism and aggression going hand in hand. The latter mood is generally developed by fear, he tells us, in animals and man.

"Fear has created more history than it is usually given credit for," and "is one of the most powerful motives of all aggressive warfare in the world."[32]

"Every war appears to the people who conduct it as defensive, precisely because every war is to some extent based upon fear."[33]

The same author quotes Parsons, "Men fight not because they are warlike, but because they are fearful." Persons with fear delusions, he goes on to say, are dangerous.

The Combative Instinct

What is sometimes called the impulse of combat is based chiefly upon the instinct of pugnacity, with its correlated emotion of anger. McDougall tells us that pugnacity cannot be brought under the strict definition of instinct, and counts it as a somewhat secondary impulse, caused by fear or by an obstruction to the simpler cravings of hunger or sex.[34] He classes it among his seven fundamental instincts,

[32] Partridge, op. cit., pp. 41-42.
[33] *Ibid.*, p. 43.
[34] Op. cit., p. 61.

however, and considers it "not so nearly universal as fear," but as strong and intense.

Probably associated with pugnacity in the combat impulse we may mention the self-assertive instinct, with its emotion of elation. Self-assertion may conceivably form the basis of emulation or rivalry, and of the power-motive, which Partridge terms a chief cause of war.

Neither self-assertion nor the impulse to power attains high development as a combat motive among animals. The former seems to lead to combat chiefly as complicated with sex-instinct, and at times appears even to inhibit the fighting impulse, as in the case of a large dog molested by a small one. The power motive is apparently present in the play of á cat with a mouse, where it overcomes, at least temporarily, the desire to kill and eat. It is improbable, on the other hand, that the cat feels power as we mean the word, for her imagination is feeble and her pleasure of pursuit is only a degree less keen when the plaything is an inanimate object. It doubtless requires a fairly high degree of psychological development to evoke the pleasurable consciousness of power over a fellow-being.

In human war, in contrast with the conflict of animals, self-assertion and the love of power are usually present, becoming more and more prominent with civilization.

The Blood Lust

An instinct often assumed to lie at the root of war is the primitive impulse toward killing, the blood lust. There is reason to believe, however, that this instinct is not natural to man.

Morris Ginsberg writes:[35] "But war is not merely

[35] Op. cit., p. 12.

a recrudescence of the instinct to kill. It is doubtful whether this is an original instinct of man, for the hunting habit appears to be acquired and the nearest relatives of man appear to be social rather than aggressive."

Partridge supports this contention by reminding us that the enemy must regularly be dehumanized before the desire to kill is awakened. It is true that the long-range gun has to a great extent removed from the modern soldier the gratification of this instinct where it exists, and the revival of hand-to-hand slaughter in bayonet warfare has been attended with decided psychological difficulty. Not every soldier is able to endure even the piercing of dummies representing men; and we are told that bayonet practice is regularly accompanied by the shouting of opprobrious epithets in order that a desire to kill may be artificially created.

Combat and Play

The combat impulse is probably far more closely related to play than to the blood lust. Healthy animals indulge freely in combative play; and this pleasurable activity is from the outset so far removed from ferocious impulses that we allow our children to sport with puppies and kittens in confidence that fangs and claws will by a delicate instinct be held in complete control. The desire to kill seems to be abnormal even in leopard and lion cubs.

McDougall mentions this play of young animals as without anger or desire to hurt. He says that the play impulse ripens before pugnacity, even in an animal physically equipped for fight.

While Ellwood counts play as a true instinct, McDougall considers neither play nor pugnacity as strictly primitive. He classes the former as an

"innate tendency" existing alongside the pugnacity impulse, identifying it later in the life of the animal or child with the motive of emulation or rivalry.

The more ferocious manifestations of the combative impulse seem usually to appear as comparatively late developments, as a reaction to thwarted sex, hunger or parental emotion. Ellwood believes that most animals fight only for food or mates, a few being naturally predatory. The ancestors of man belonged probably in the former group, his predatory traditions developing later during the stage of barbarism. In most cases the combat impulse is fully developed by play long before the need for killing arises.

Pursuit and struggle seem to be the essential elements of combat, and killing merely an incident. The hunting-dog catches and overpowers his quarry, but when trained to relinquish the killing to his master seems to lose none of his joy in the chase. The games of children and adults, like those of animals, are regularly modelled upon the principles of pursuit and struggle, being later on enriched by the gambling motive, where the consciousness of pitting one's powers against an unknown fate lends exhilaration to the simple combat.

The advantages of the skill thus developed for hunting, mating, and defense have doubtless helped greatly in the survival and strengthening of the combative instinct. There seems, however, to be little, if any, evidence that the blood lust forms an essential element in its primitive manifestations.

The Herd Instinct

While the combat motive is present in all instinctive fighting, we must bear in mind that even the extreme forms of personal combat do not constitute

war, and the war motive is more than the sum of individual impulses to fight. It includes a social factor, which takes these varied instincts and directs them to a special purpose. Trotter finds this social factor in the instinct of the herd, an impulse tending to subordinate all others to the group consciousness. It is neglect of the gregarious instinct, he considers, that has made confusion in psychology.

> If . . . we can show that gregariousness is of biological significance approaching in importance that of the other instincts, . . . and if we can also show that man is gregarious, we may look to it for the definition of the unknown 'x' which might account for the complexity of human behavior. [36]

We have found this impulse "modifying the other instincts and leading to new combinations in which the primitive instinctive impulse was unrecognizable as such."

> With the social animal controlled by herd instinct it is not the actual deed which is instinctively done, but the order to do it which is instinctively obeyed. The deed, being ordained from without, may actually be unpleasant, and so be resisted from the individual side and yet be forced instinctively into execution. [37]

The herd instinct is at work in peace as well as in war, bending the individual to the purposes of the group. MacCurdy believes it to be the force behind the repressions made so much of by the psychoanalysts, giving dynamic value to what Freud counts as purely negative. Through the "direct influence of the cultural milieu," [38] it has gradually succeeded in forcing below consciousness the grosser antisocial impulses.

[36] Wm. Trotter, *The Instincts of the Herd*, p. 17, 1919 edition.
[37] Op. cit., p. 48.
[38] Freud, *Reflections on War and Death*, p. 21.

Woodworth goes even farther than Trotter in his emphasis upon the developments of gregariousness. He criticises McDougall in that "he fails to recognize a definitely social motive" that is more than the impulse to herd together and that makes group activity interesting for its own sake. It evolves organized play, which, according to Woodworth, makes both for equality and social justice.

In time of war, however, the repressing force of the herd is changed in direction. On the one hand, the primitive instincts of the individual are given free vent, and, on the other, the herd develops certain group reactions characteristic of the simple state of alarm. MacCurdy mentions as qualities predominating in the war-time herd those of gregariousness, credulousness, vague fear, and suspicion of outsiders. As a result of the herd-instinct working upon the natural tendency to subjection, individuals may develop self-abnegation along with unwonted energy, each examining his conduct with reference to the group, counting individual death as nothing as long as the group survives.

> It seems to me not impossible that the success of military training consists essentially in the acquisition of the herd-spirit, the gain of a feeling that the kind is always present, even if it be only in imagination. . . . The essential victory in war rests with that nation which has the largest number of citizens consciously and constantly aware of the presence of the herd.[39]

Enlargement of the Category of Instincts

In discussing the strictly limited list of instincts of which fear, pugnacity, play and the herd-impulse are those most closely concerned with war, McDougall relegates all other human tendencies to the

[39] Op. cit., p. 57.

category of habits, or acquired springs of action found in the service of the instincts.[40]

Recent psychological thought, however, has been inclined to regard instincts as far less fixed in character than McDougall would present them, and to draw the lines far less definitely between the primary instinct, the "innate tendency," and the non-congenital habit.

"It is unscientific," says Dewey, "to try to restrict original activities to a definite number of sharply demarcated classes of instincts." He compares this rigid attitude toward human nature with that which prevailed formerly in physical science, and advises us to classify, but not to forget that "acts, in an environment, are performed for a purpose."[41]

Morris Ginsberg writes in criticism of McDougall: "Though undoubtedly the basis of human character is hereditary and is to be found in the instincts and emotions, yet the hereditary tendencies do not survive in isolation, but tend to fuse with one another and be suffused by intelligence. . . . Our moods are exceedingly composite and contain the instincts as it were in solution. . . . Our present nature is in other words not a balance between primitive impulses, but involves a new synthesis in which the original form of the impulses may be greatly transformed."[42]

It seems, therefore, allowable for us to consider among the war impulses certain motives which, while probably not primary instincts, yet seem almost as deeply grounded in human nature. One group of these, including sympathy, imitation and suggestibility, are closely associated with the in-

[40] Op. cit., p. 43.
[41] Op. cit., pp. 131-132.
[42] Op. cit., p. 13.

stinct of the herd, and contribute greatly to its force as a war motive. They are especially conspicuous in the phenomenon of propaganda.

Three other more or less derived impulses which play a part in war are the intoxication, æsthetic and relaxation motives.

The Intoxication Motive

Ginsberg speaks of the war spirit as "a kind of new synthesis whose essence appears to be a sort of intoxication and craving for the exercise of power."[43]

Partridge does not restrict the intoxication motive to a craving for power. It is, he says, "a plastic force, a mood containing desires and impulses that may be satisfied in a variety of ways." Its object is "to produce exalted states of consciousness mainly for their own sake," these states amounting to an actual ecstasy.

The intoxication may be brought about through combat, through the power motive, through anger over the violation of national honor, through the playing with fear called the gambling motive, and even through fear itself. Partridge ascribes primarily to fear the great exaltation on the part of Germany in 1914. Although anger and fear have their part in bringing about war, however, these, according to Veblen, are inhibiting, as implying a consciousness of inferiority; while they may remain among the people at home, they must be replaced in the army morale by more optimistic ecstasies such as those of power and combat.

These ecstatic moods Partridge considers to be not mere reversions, but present composite states of the social mind. Nations, like individuals, he

[43] Op. cit., p. 12.

says, crave power because power is abundant life, and war comes partly as a result of the over-stimulation of national life by our large cities. In its higher manifestations the war spirit includes what that author counts as the most nearly universal form of satisfying intoxication, the ecstasy of being lost in a greater whole.

The Æsthetic Element

That the war spirit is not all a product of atavism is shown by the æsthetic elements which are always present. The instincts of combat, of play, and of self-assertion early combined to form a social product which is idealistic even when misdirected. The dramatic experiences of war fill a vacancy in life, and a peaceful world would have to renounce something "dear to all and held to be good, if for no other reason, because it symbolizes what life and reality are."

Novikow considers war a romantic survival; and Partridge believes that it may even be necessary if heroic ideals are to be perpetuated.

To the ideal conceptions of adventure and glorified death are added the elements of rhythm, color and sound, until the æsthetic impulses become wholly enlisted in the service of war.

> War
> I abhor
> And yet how sweet
> The sound along the marching street
> Of drum or fife, and I forget
> Broken old mothers, and the whole
> Dark butchering without a soul.
>
> —*The Illusions of War,* Richard Le Gallienne.

The Relaxation Impulse

Last of the semi-instinctive tendencies to be considered here is the impulse of relaxation.

G. T. W. Patrick, in *The Psychology of Relaxation,* has taken up the tendency in detail, and believes the real cause of modern war to "lie deeper than in any political relations," in the prolonged tension of civilized life.

The average man lives a life of great physical and moral inhibition. He is compelled to spend most of his time in-doors at exacting labor of hand or brain; he is bound to others by close family ties and by a network of small social obligations; there is little opportunity for physical adventure and change of scene. Notwithstanding this comparatively monotonous existence, on the other hand, he is subject to responsibilities in home and business which seldom leave him free from anxiety, and which require him to decide matters often too momentous for his judgment.

To such a man, often quite unconsciously to himself, war comes as a welcome relaxation. It brings outdoor adventure and the simple life, comradeship and the snapping of routine. Responsibilities of home and business are sloughed off for what is felt to be a higher duty, and the man weary of self-determination joyfully submits his will to an authority beyond himself.[44]

The Unconscious

This relaxation is not confined to the outward routine of civilization. The Freudian psychology has rendered us familiar with the existence in man of an unconscious self made up of survivals of prim-

[44] See Bertrand Russell, *Why Men Fight,* pp. 91-97; Dewey, op. cit., p. 156 ff.

itive instincts, once adapted to the gratification of needs, but now unlovely and even harmful to the social group. These instincts include not only those of combat, fear, etc., already mentioned, but also such anti-social impulses as greed, lust, and cruelty.

Not only in modern civilization, but in all social life, this unconscious self must be continuously repressed; but "suppression is not annihilation,"[45] and the primitive instincts are always ready to spring to the surface as soon as the social pressure is removed.

Nicolai likens war to a play or a debauch, which revives sentiments that are archaic and now useless.

With war, indeed, not only are various inhibitions withdrawn, but the anti-social impulses are in certain directions encouraged.

"A state of war," says Freud, "makes free use of every injustice, every act of violence, that would dishonor the individual."[46]

Whether or not the unconscious impulses are as anti-social as Freud would imply is still an open question; we have elsewhere suggested that murderous and sadistic impulses are less primitive than abnormal. Even as abnormalities they must be reckoned with, however, and there may remain in the Unconscious in any case a great number of instincts—greed, lust, pugnacity—originally innocent but now outlawed in their open social manifestations.

War not only releases these instincts in the soldier for action, but in the entire national morale removes to some extent the spiritual inhibitions that in normal times have kept certain mental states strictly in the Unconscious.

"Actual conflicts in human society," writes Ell-

[45] Dewey, op. cit., p. 157.
[46] Op. cit., p. 14.

wood, "are particularly to be dreaded because they favor reversion to instinctive levels of behavior."[47]

It is true that the inhibitions destroyed by war are not all to be regretted. The destruction of conventional values gives release to impulses of sacrifice which may combine with the war ecstasy to bring about a state of great moral exaltation. Under the artificial conditions of the campaign, however, the presence of abnormal instincts in some persons eventually makes itself felt in "atrocities;" and, after a period of ethical stimulation behind the lines, the resurgence of impulses normally repressed appears in the "crime-wave" which we have learned to expect after every war.

Traditional Motives

Our discussion of war motives requires mention, not only of such deep-seated impulses as ecstasy and relaxation, but also of certain sentiments which are clearly products of tradition.

"Social tradition," to quote Ginsberg, "supplies the medium in which we act and determines the methods through which our different hereditary tendencies may find satisfaction. It is in a sense a permanent determinant of individual activity and operates in the same way as heredity operates in the life of simpler organisms."[48]

The sentiments of patriotism and national honor have doubtless been developed by tradition from the herd instinct, but have risen far above it in self-consciousness, complexity and idealism.

Patriotism

Patriotism is clearly based upon the personification of nations. Partridge analyzes it as made up

[47] Op. cit., p. 202.
[48] Op. cit., p. 12.

of the loves of the home locality, the group, the mores, the leaders or "state," and the country as a personality. He considers that patriotism is not necessarily aggressive toward other nations; it is not, moreover, a cause of war, though it is caused by wars. After hostilities arise, patriotism becomes greatly intensified, though unstable and suspicious.

Veblen conceives patriotism as much farther from the elemental affections, defining it "as a sense of partisan solidarity in respect of prestige." He considers that it belongs to sportsmanship rather than to workmanship, and is at its highest pitch in "work of concerted malevolence." "The patriotic spirit," he writes, "is at cross purposes with modern life."[49]

National Honor

That Veblen is dealing, not with simple love of country, but with a partisan distortion of patriotism sometimes mobilized for war purposes, is evident from his treatment of national honor.

There is a sense in which national honor may correspond to the fine conception of personal honor—a high scrupulousness of integrity which scorns ignoble means and ends. Veblen is evidently thinking, however, of the national honor that may descend to base practices, but will resent an allusion to the fact—that flouts the rights of others, but demands that a violation of its own rights must be wiped out with blood.

He defines honor by the duelling code, and classifies it as a kind of magic. We have, he says, a sentimental feeling for conducting business with our own compatriots which becomes national honor if the business interests abroad are actually harmed.[50]

[49] *On the Nature of Peace*, pp. 33, 40.
[50] *Ibid.*, p. 27.

Partridge's conception of national honor is less cynical, but little more elevated. He considers it as based upon national pride in the lower sense, pessimistic in nature, and resting upon jealousy and hatred, display and a sense of inferiority. He, too, compares it with the duelling code by which "the man declared himself possessed of superiority and was ready uniformly to prove this claim by acts purporting to indicate willingness to die."[51] "It is a defense of certain ideal or fictitious values in which nations insist that others should recognize these claims and values. National honor is an artifice for defending a claim to superiority and concealing an actual inferiority, and it relates to values which in general do not exist."[52]

Summary

Our review of the problem of international government in Chapter XIII brought us to a recognition that public consent must constitute the ultimate sanction for a League of Nations, and that, unless a permanent basis for such consent is established in the mores of civilized peoples, neither treaties nor force can achieve world organization. Neither the rational machinery of arbitration nor the League itself has as yet led us out of the war régime of armament and secret diplomacy; and the reason for this failure is obvious. Public opinion, upon which all international government must eventually rest, has not yet become stabilized upon a basis of reason and ethics, but remains apparently quite at the mercy of recurrent paroxysms of war and the preparation for it.

We have here briefly examined the war motives

[51] Op. cit., p. 93.
[52] *Ibid.*, p. 92.

as set forth by social psychologists; and our search has indicated that, however reasonably statesmen may measure the advantages or disadvantages of their policies, the nations are drawn toward conflict by a network of instinctive reactions ranging from primitive panic to idealistic patriotism. Political and economic forces can do little without war fever, writes Bertrand Russell. It is this fever to which the race appears to be permanently liable because of the ineradicable character of the "hereditary movement complexes" included in the war instincts.

Our problem becomes, Does a human nature based upon such impulses as these admit of the establishment of public opinion upon a basis of international peace and justice?

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CHAPTER XVI

THE FUTURE OF THE WAR INSTINCTS

The establishment of public opinion upon a basis of world peace and justice is far from being a simple problem. It involves, to quote Woodrow Wilson, "a new international psychology."

The Plasticity of Human Nature

Fifty years ago the task would have been deemed impossible, but sociology now tells us that, while biological mutation is blind, social mutation, or invention, need not be. Therefore reason can make conscious adaptations to environment that will be perpetuated by selection.[1] While we must recognize decided limits to this possibility, we are justified in agreeing with Ellwood that it is the plasticity of man's instincts that has made progress possible.

> Human beings as we find them are artificial products, and for better or for worse they must always be such. Nature has made us: social action and our own efforts must continually remake us. . . . As to structure, human nature is undoubtedly the most plastic part of the living world, the most adaptable, the most educable. . . . To anyone who asserts as a dogma that "human nature never changes," it is fair to reply, "It is human nature to change itself."[2]

The problem is as to what changes may be lasting; idealism must never fail to recognize "those permanent elements of our being indicated by the words pugnacity, greed, sex, fear."[3]

[1] E. C. Hayes, op. cit., p. 488.
[2] W. E. Hocking, in Parke and Burgess, op. cit., pp. 95-97.
[3] *Ibid.*

Dewey states the argument very forcibly: "It is precisely custom which has the greatest inertia, which is least susceptible of alteration; while instincts are most readily modifiable through use, most subject to educative direction."[4] Even animal instincts, he tells us, are less rigid and infallible than was once believed, and the native activities of men are not so complex and ready-made as those of animals. Habits of thought and feeling in contradistinction to instincts are, according to Dewey, very slowly modified. "The force of lag in human life is enormous."[5] Alluding to the error of Aristotle in maintaining the psychological necessity of slavery, he writes: "Nevertheless the worldly-wise Aristotles of to-day assert that the institutions of war and the present wage-system are so grounded in immutable human nature that the effort to change them is foolish."[6]

The same author applies his principle of modifiability directly to the war instincts: "War would not be possible without anger, pugnacity, rivalry, self-display, and such like native tendencies. Activity inheres in them and will persist under every condition of life. To imagine they can be eradicated is like supposing that society can go on without eating and without union of the sexes. But to fancy that they must eventuate in war is as if a savage were to believe that because he uses fibers having fixed natural properties in order to weave baskets, therefore his immemorial tribal patterns are also natural necessities and immutable forms."[7]

[4] Op. cit., p. 107.
[5] *Ibid.*, p. 108.
[6] *Ibid.*, p. 109.
[7] *Ibid.*, p. 110.

The Process of Sublimation

While the process of sublimation does not exhaust the possibilities of the modification of instincts, it has recently received great emphasis in the discussions of the psycho-analysts. While their philosophy is based upon the permanence of the instinctive, they do not leave humanity, as did the early biologists, at its mercy. Society has been made possible by two processes, that of repression, and that of sublimation of the primitive instincts. Repression is the crude but universal method of social control by which the anti-social impulses are forced into the Unconscious so effectually that the civilized man is ignorant of their existence in himself. These inhibitions are artificial, however, and therefore unstable, and, when war lets them down in certain directions, we find the anti-social impulses bursting their bonds altogether in atrocities and crime-waves.

Through the second method, known as sublimation, the undesirable instincts are transformed in character rather than checked in expression, and continue to discharge themselves in action by new channels. The sex impulse, for example, may unconsciously be transformed into religious devotion.

The change is the result of two factors, according to Freud, one inward and the other outward.[8] "The inner factor consists in influencing the evil or selfish impulses through erotic elements, the love needs of men interpreted in the widest sense. The addition of erotic components transforms selfish impulses into social impulses. We learn to value being loved as an advantage, for the sake of which we can renounce other advantages. The outer factor is the force of education which represents the demands on the civilized environment and which is then con-

[8] Op. cit., p. 21.

tinued through the direct influence of the cultural milieu."

Both in the race and in the individual, he tells us, the outer compulsion gradually changes to the inner. An adaptability to this compulsion is congenital in some persons, and this adaptability is passed on by selection where it proves of value to the race. Thus human nature, in at least the manifestation of its instincts, may become permanently changed.

Dewey considers that a factor is sublimated when it is "coordinated intelligently with others in a continuing course of action," the outcome representing "the normal or desirable functioning of impulse."[9]

The occurrence of sublimation in the sense of "making the unwelcome impulse do work foreign to its own tendency" is by no means universally accepted. Woodworth suggests that the phenomenon appearing as sublimation may be merely the supplanting of one impulse by another.

Walter S. Hunter[10] classes as instances of sublimation those cases "where the inherited impulses are placed at the service of activities which bear little or no resemblance to the activity which normally embodies the impulse," and believes that, while the evidence for sublimation is difficult to obtain, it nevertheless exists.

Whether or not we acknowledge sublimation in the Freudian sense, there appears to be justification for the belief in some kind of transformation process by which instinctive energy may be redirected to a new form of manifestation.

Our hope, writes MacCurdy, is in recognizing the instincts and then deciding our path.[11]

Let us glance once more at the war impulses in an

[9] Op. cit., pp. 155-157.
[10] *Psychological Review*, vol. 27, p. 247.
[11] Op. cit., p. 68.

attempt to determine their susceptibility to modification.

The Future of Fear

The fear instinct is by far the most fundamental and persistent of those that provoke to war. The armament race which contributed so considerably to the Great War was motivated chiefly by fear; and we are told that terror of the United States is the chief factor that keeps Japanese militarism in power.

Unlike the combative instincts, the fear motive is generally considered of negative value to the race. Except as it may take the reasoned form of caution, moreover, there seems little prospect of turning the impulse into channels useful to developed society. While pugnacity is of permanent value as a stimulus to the overcoming of difficulties, "fear tends to inhibit all other impulses than its own." [12]

On the other hand, there is encouragement in two important considerations: first, the rational grounds for fear tend to become less with the advance of civilization; and, second, the irrational fear which still persists is found upon examination to be largely artificial in origin.

Barbarous tribes are no longer a menace to industrially advanced neighbors, and even the most unprincipled civilized nations have long given over the practice of pillage for its own sake.

Even in the present régime of armaments, international fear, as suggested by Partridge with reference to the Germany of 1914, contains a large element of delusion, and, in so far as it is well founded, belongs chiefly to the property-owning class. Certain economic interests have, indeed, much to fear from unprincipled aggression by other nations, but

[12] McDougall, op. cit., p. 61.

recent events have shown that, at least as far as Western civilization extends, human life is endangered far more by war itself than by any other international disaster. Even such inexcusable atrocities as those committed in Belgium and France were an incident of war rather than something which war was able to prevent; and if the fear of Russian invasion formed an important element in the belligerency of the Germans, it was this very danger which they brought upon themselves in East Prussia and Austria, while in their delusion they devastated unoffending Belgium.

Measures are already under way, moreover, which may reduce to a minimum the grounds still remaining for rational fear. Every step in efficiency which is made by the League of Nations, and still more every advance in the limitation of armament, represents by so much a weakening of the fear motive.

Irrational Fear

It is irrational fear, for the most part, that lies at the foundation of modern wars. Before ascribing this panic tendency to an ineradicable impulse, however, we must call to mind the artificial stimulus given in 1914 by the fear propaganda disseminated in every belligerent country.

During the war we became familiar with stories of German atrocity, ranging all the way from the terrible fact of the Lusitania to uncorroborated stories of the wholesale dismemberment of children. We remember also how many persons to whom political principles meant nothing were stirred from easy neutrality by an actual panic lest these horrors might occur in our own midst.

We are not so familiar with the stories of atroci-

ties committed by Belgians which during the same period aroused the fear motive in Germany.

> Public credulity accepted these stories. The highest powers in the state welcomed them without hesitation and endorsed them with their authority. . . . A collection of prayers for the use of the Catholic German soldiers includes this incredible text: "Shame and malediction on him who wishes to act like the Belgian and French, perfidious and cruel, who have even attacked defenseless wounded." [13]

The story of a hysterical woman, or the innocent exaggeration of a boastful soldier, requires only the right of way provided by a war administration to arouse a people to arms. When we consider the difficulty which attends during a war the public contradiction of misstatements against the enemy, we do not find it strange that physical fear contributed greatly to the spirit of 1914 and the following years.

It seems, therefore, that we are justified in predicating for the fear impulse among nations a capacity for modification. The actual stimuli which in primitive times produced the war panic have largely ceased to operate, and with every advance in International Government will tend to grow less effective. On the other hand, the irrational fear of one another which at present directs the policies of nations is found to arise less from instinctive terror than from such artificial propaganda as was seen at its height during the years 1914 to 1918.

The Future of Combat

The impulse to combat, a general term combining the pugnacity instinct, the power or self-assertion motive, and the innate tendency to emulative play,

[13] Ferdinand von Langenhave, in Park and Burgess, op. cit., p. 819.

differs from the fear impulse in its affirmative value to the race. Psychologists agree that combat neither could nor should be wholly repressed.

The race is fortunate, however, in that pugnacity with its attendant impulses admits of expression through many other channels than that of war.

Dewey considers that the evolution of war itself has begun to divert the crude instinct of combat into new activities:—"Already the forces that once caused war have found other outlets for themselves; while new provocations, based on new economic and political conditions, have come into being."

As play is, according to McDougall, a modified form of the combat instinct, the simplest substitute for war is play itself carried into adult life. It has the advantage of giving comparative freedom to the cruder pugnacity reactions that have largely been eliminated from modern war, and of inhibiting individual self-assertion far less than does military activity. An interesting investigation might deal with the subject of out-door sports in Great Britain and Germany, with the inquiry as to whether the lower development of adult games in the latter country has influenced the survival of duelling and the prevalence of the militarist spirit. The possibility of the combative instinct occurring in complete differentiation from the war spirit is suggested by the charges brought against the pugilist Jack Dempsey for draft evasion in the World War.

On the other hand, play can never offer a complete equivalent for war, owing to its artificial character and the absence of acute danger and opposition. War has always provided these elements to an extreme degree, and in so doing has rendered invaluable service in the evolution of courage.

Possible Equivalents for War

It is here that we feel the need of what William James termed the Moral Equivalent of War, if ever the combat instincts are to be turned from destructive to constructive channels.

There is no dearth of suggestions for the social functioning of the war impulses.

To McDougall's suggestion that emulation in responsibility for backward countries may prove a substitute for war, the reply is obvious that this emulation is to-day one of our most active causes for war and so could hardly serve as a substitute. Like other international rivalries, it seems to be capable of satisfying the combative impulse only when there is an actual conflict of interests.

It is probable that there are only two types of activity other than war which may offer a genuine outlet for the impulses of power, combat and risk.

The Secondary Conflict

The first of these is that form of secondary conflict which deals with ideals and organizations, and includes those situations classed by Simmel as feud and faction, litigation and the conflict of impersonal ideals.[14] As a secondary conflict the normal effect of this is not destruction or subjugation, but modification of both sides in the struggle. It is inseparable from political, industrial and social life, and, while usually bloodless and intra-national, it affords opportunities for strategy, courage and pugnacity which in public estimation rank little, if at all, below the purely military virtues.[15]

Abraham Lincoln is the popular hero of the Civil

[14] Park and Burgess, op. cit., p. 586.
[15] See Edman, op. cit., pp. 113-114; Giddings, *Principles of Sociology*, p. 102.

War, though a non-combatant, and Theodore Roosevelt's reputation as a fighter is based less upon his exploits at San Juan than upon his struggles in the political field.

With the progress of democracy and industrial development the internal conflict tends to grow, on the one hand, more intense and widespread, and on the other more constructive and independent of violence. Where violence appears in the present stage of industrial development, it is likely to indicate either an abnormal weakness of organization, as in the labor clashes of our own country, or a modification of the intra-national by the international conflict, as in Russia and possibly Italy.

In time of war, on the other hand, secondary conflicts tend for a time to disappear. In order that cohesiveness and unity may predominate, the intra-national conflict is deliberately suppressed by force or by mutual consent. It is probable that rulers have sometimes plunged nations into war in order to bring about in this way an internal truce.[16]

With the gradual elimination of war through international government we may expect greater development of the secondary conflict in complexity and importance, and wider scope for its employment as a moral equivalent of warfare.

The Conflict with Nature

While non-violent internal combat satisfies the desire for intense conflict with human opponents, often for very high stakes, danger to life and limb is involved, if at all, only as an incident. An equivalent for war in the physical sense exists more completely in the struggle against the non-human forces of nature, which will last as long as the race endures.

[16] McDougall, op. cit., p. 195.

The climbers of Mount Everest, the discoverers of the Poles, have experienced an equivalent for war which few would deny. The heroism of Scott and his companions in the Antarctic ranks with that of Thermopylæ in the world's homage.

Of greater social value, as well as more accessible to general participation, is the fight with hostile nature of which we hear each day in the achievements of medical science, and more picturesquely in the records of the Fire Department and the Coast Guard. A battle can seldom give greater scope for individual courage than does the launching of a life-boat in a winter storm, or the climb into a burning building.

Services of this type, however, arrived late in the history of civilization, and found military glory in possession of the field. It seems not to have occurred to governments as yet to place these departments upon an equality with army and navy in such matters as rank, training, or pensions, or to extend the life and property saving services to a scale which would tempt abilities of the first rank. It is not difficult, however, to envisage a Cabinet Department of Public Safety, possessing powers equal to those of War, and generalled by able administrators, which should mobilize daring men to fight fire and flood and skilled technicians to prevent public disaster, until death by natural catastrophe would become as rare as death at the hand of an invading enemy.

It seems, then, that the future possibilities of the combat instincts show ground for optimism. As there is little, if any, evidence for including blood lust among the stock of primary human impulses, we find pugnacity and self-assertion to be the chief permanent elements in the will to fight. On the one hand, the evolution of military activity has tended to give less and less outlet to these simple instincts;

on the other, the road for their expression in adventure against the forces of nature has remained open, and the secondary conflict among ideals and organizations is offering increased opportunity for individual and collective combat.

Meanwhile, the play impulse, for which material civilization affords ever greater facilities, is found to be a modification of the pugnacity instinct so normal as to appear regularly in the young of both man and the higher animals.

The Future of the Herd

The herd instinct, far more than individual pugnacity, lies at the root of modern war, for through it the fighting impulse has been harnessed to the military machine. Itself a director of instincts, it has hitherto proved able to set at naught the carefully devised schemes of world organization.

Theoretically the herd instinct may work as strongly for international government as against it. The herd motives in peace are the bulwarks of morality and rational government. At the suggestion of war, however, there is reversion to the irrational, the same reactions appearing that in animal life showed themselves in the stampede.

The chief element in the transformation of the civilized herd by war is undoubtedly the fear instinct, already mentioned as a perennial cause of war. As the animal herd suppresses all normal impulses in the irrational stampede, so a national panic submerges individual judgment in a blind movement of solidarity.

Fear is the most disastrous emotion that may enter into a herd, either animal or human; but, as has elsewhere been brought out, group fear in modern

times is largely an artificial product of propaganda, and is thus susceptible of social control.

Two Types of Herd

Even aside from the fear stimulus, there are discerned two types of human herd, one, the crude group whose extreme manifestation is the mob, the other a fairly rational public expressing itself ideally in an orderly democracy. Both types of herd are based on the simple impulse which Giddings terms consciousness of kind, reinforced by the more complex tendencies of imitation, suggestibility and sympathy. The conduct of the two groups, however, differs widely.

Morris Ginsberg ascribes this difference to the presence of organization. "Collective deliberations," he says, "can only yield good results when there is a genuine interchange of views and when each member is able to throw some light on the problem under discussion based on his own observation. . . . In unorganized crowds such free interchange is impossible. The majority are bound to be passive listeners and consequently the influence of the few who generally know something of mass psychology is predominant. . . . It is obvious that the ideas which can be understood by all or the majority of a crowd will be of a low order and therefore collective thinking of unorganized assemblies must be on a low level."[17]

The same author goes on to add the heightening of suggestibility, the intensification of the emotions, the illusion of omnipotence, and the irresponsible character due to anonymity, as reasons for the irrational character of the unorganized crowd.

These generalizations are without doubt well

[17] Op. cit., p. 131.

founded; yet in themselves they do not account completely for such irrational herd responses as war fever, which is a phenomenon characteristic of highly organized groups. The illusion of omnipotence, for example, may be strengthened by conscious organization; the protection of irresponsibility may be effectually provided through governmental machinery; and the free interchange of personal judgment may be inhibited rather than facilitated by a highly organized group. In 1914 there could be found few permanent groups possessing less organization than the British Society of Friends, or a more efficiently organized voluntary body than the German Social Democratic Party, this contrast holding true whether we consider the physical crowd of their actual assemblies or the wider public of their associations. Both groups held philosophies opposed to war; yet their reactions to the prevailing fever were so opposite as to suggest some other cause of difference than varying degrees of organization.

Leadership may account in part for variations in crowd conduct. A Gandhi may evoke non-resistance from a mob of the self-same stuff which Mohammed led forth with fire and sword.

Education in the Herd

Differences in education are of perhaps even greater weight than leadership in determining the quality of a crowd. Remembering the Germany of 1914, however, it is impossible to refer war suggestibility to popular ignorance.

Not the quantity of education, intellectual or ethical, but the specific quality of the standards inculcated, seems to account for the opposite war reactions of the British Quakers and the German

Socialists. The pacifist philosophy of the former suggested the individual conduct to be followed in the event of war; that of the latter provided for mass action alone. When the avenues for mass action against war were closed, the German Socialists merged their individual conduct for the most part in that of the larger herd around them.

It is evident that education, whether that of the schools or that of propaganda, is the means by which the specific standards may be established which determine the direction of herd suggestibility. While the literacy of a herd may do little more than hasten the onward rush in a given direction, it is the existence of specific standards of conduct in the mores,—respect for negro freedom in the Northern States, for example,—which may set up bulkheads against which the current is broken.

The leader may sometimes embody in his own person one of these specific standards, thus transmitting to the crowd the forces of education which have met in him.

On the other hand, if variations in specific standard were the only cause of varying reactions to herd suggestion, we could hardly have found, as was the case, thousands of American Friends supporting the World War and the chief group of British Socialists, the Independent Labor Party, standing out in opposition.

Social Control and Herd Differences

There is a still more powerful factor of differentiation than those we have mentioned,—namely, the degree of social control in a given national group. It is proverbial that this control in Imperial Germany extended not merely over the material, but over the spiritual as well, and that Great Britain

has stood immemorially for resistance to infringements upon individual liberty. No other factor than this characteristic looseness of social control seems able to account for the presence in Great Britain, a nation that has never been noted for pacifist principles, of the only large groups which were able to withstand the war fevers of 1914-1922.

The rationalization of the herd depends directly upon the maintenance within the group of various individual opinions and of facilities for their public expression. "The fact that the intellectual level of a crowd is generally low owing to the fact that only the qualities common to all are appealed to"[18] holds good both of the crowd and of the herd beyond the crowd limits. Rational resistance to emotional excitement can be brought about only through individuals who have escaped the contagion, and a habit of free self-assertion must be somewhat highly developed in a group before this rational resistance can become effective. In other words, neither education nor organization can accomplish the rationalization of the herd in the absence of such standards of individual responsibility as are produced by a customary looseness of social control.

Modification of Herd Control

While at first sight such a modification of herd control seems out of harmony with social development, we find ourselves confronted with its necessity upon other grounds than the needs of international government. Trotter tells us that in intra-group life the aggregation of units in the herd inhibits variation to such an extent as to be fatal to progress and to the race unless a new factor is brought into play, this factor being the understanding of man's psychol-

[18] Ginsberg, op. cit., p. 136.

ogy in the biological sense and his conscious guidance along the path of evolution where he has halted. According to Trotter, there is a constant conflict between the herd suggestion, usually a simple instinct corresponding to an older environment, and the dictates of experience, ever struggling to adapt society to a growing environmental complexity.[19]

The way of escape from retrogression lies apparently in an encouragement of variation on the part of society by a deliberate stimulation of individualism. In matters of pure custom such as fashion and etiquette, the herd may be allowed its own way; but wherever society acts consciously by means of law, there the individual personality must be safeguarded, if not for its own sake, yet for the sake of the favorable variation which it may embody, and for the sake of the new adaptation for which it may struggle against the simpler reactions of the herd.

In this connection also the British ideal of individual liberty may be cited, as furnishing an example of public policy which seems after centuries to have appreciably modified the manifestation of the herd instinct if not the instinct itself. While it has doubtless hampered the quality of herd efficiency as developed in Germany, the British ideal has yet counted for much in race progress, by preserving the influence of the individual mind and thus breaking the impetus of the herd stampede.

From the illustration just given, it seems that we need not despair of an approach toward rationalization of the national herd, partly through the education of leaders and masses in specific ideals of conduct, and partly through a relaxation of social pressure which may give the individual intellect room to function.

[19] See MacCurdy, op. cit., p. 40.

The Larger Herd

Even in its unmodified form, however, the herd instinct is not essentially inimical to international government, for the herd may conceivably be extended to cover an entire group of nations. As is seen in the United States and the British self-governing dominions, the magnitude of the herd may be indefinitely enlarged without destroying cohesiveness.

It may indeed be questioned whether the herd could ever be enlarged to the dimensions of a World League, simply for the reason that the presence of an out-group seems to be necessary for the conception of an in-group to obtain force. It may require the unique patriotism of a Chesterton to conceive of the world as "the fortress of our family, with the flag flying on the turret."

We may suggest in reply, however, that an out-group may be partially supplied by an alignment along other than national lines, those of social class, for example, as already existing in the workers' International. An advantage of such an alignment is in the fact that its groups defy isolation, and can therefore never exert the full inhibiting pressure of the true herd, which is fundamentally local.

A further possibility lies in the direction before suggested, of combat through science and physical daring with the hostile forces of nature, which may perhaps provide a stimulating though impersonal out-group.

That a herd-instinct of humanity actually exists is indicated by the alacrity with which men respond to appeals for the relief of alien and even politically hostile races when these are menaced by a non-human peril such as famine.

MacCurdy considers that a loyalty already exists

to the larger herd, as is shown by a general reluctance actually to enter war. "The man of real moral greatness," he writes, "is he who is loyal to mankind as a whole, rather than to some smaller group." [20]

The secondary motives we have noted,—the intoxication, æsthetic, and relaxation impulses, with the sentiments of patriotism and national honor,—are all more or less developed from the herd, and are dependent for their future upon the forms that herd conduct may take.

The Æsthetic Impulse

The æsthetic and the intoxication impulses are closely related, for in modern life the ecstasy of war is seldom a conscious debauch of cruelty, but rather an idealistic exaltation closely akin to religion.

In fact, we have become so accustomed to the æsthetic element in war that we are inclined to forget that, in modern times, at least, this element is a contribution of society rather than an actual quality of group combat. Military service has been glorified since primitive times by rhythm, color and sound; and the heroism of battle has been perpetuated spiritually by the art of every age. War is so entrenched in the æsthetic that we forget that beauty is not its essential character, but something extraneous that age-long custom has added to provoke the ecstasy without which war could not exist.

Rhythm belongs to war less, on the whole, than to other forms of mass action; for fighting requires the element of surprise, which destroys rhythm. Color has given way to camouflage as fatal to strategy, and of recent years has largely been banished even from dress parade. Music is of such direct intoxicating

[20] Op. cit., p. 63.

power that the drummer still keeps his place; and the German soldier, laden for efficiency, carried his hymn-book with him into Belgium. Yet fighting provides no music in itself, and even beauty of sound finds little room among modern explosives.

While the pleasures of pursuit and struggle are intrinsic in war, the æsthetic elements are quite extrinsic, and can be applied with equal ease to other activities. The Salvation Army, for example, has applied them successfully to the religious revival.

The Element of Ecstasy

The ecstasy of heroism, on the other hand, is a real accompaniment of war. It will continue to attract persons of high spiritual development in whom it does not encounter strong opposing impulses or convictions. As has been suggested, however, war is not the only conflict which can give rise to this ecstasy. We have found that both the social struggle of ideals and the physical combat with hostile nature can supply, equally with war, the material for group idealization.

Passive Resistance

An interesting type of conflict has been injected into the twentieth century, which combines the conceptions of physical courage and refusal of combat to an extent that has produced in some cases an ecstasy closely akin to that of war. This is the method of passive resistance, long known in the history of religious martyrdom, and for many years applied with success in the form of the industrial strike, but rarely employed until recently for political purposes, or to the extent of extreme physical suffering. One form of this resistance has appeared

in the hunger strike, which frequently involves fatal risks, and in the case of Mayor McSwinney of Dublin, in 1921, deliberately culminated in death.

On a large scale passive resistance has been employed in two widely different countries, India and Germany. The Gandhi movement in India has involved large numbers of revolutionists, who continued to practise "non-violent non-cooperation" against the British government, bearing the penalty in their own persons and property. After the imprisonment of Gandhi in 1922, the movement confined itself more or less to educational and economic manifestations, this modification, according to the leaders, being only temporary in character. The actual practice of passive resistance was continued in the Punjab, however, among the Akali Sikhs, a traditionally war-like people. In defence of the ancient rights of their shrine, bands of Sikh woodcutters went out each day in defiance of government orders, to be unmercifully beaten without offering resistance. It was reported that the aims of the resisters were to a certain extent achieved.

An interesting development occurred in Germany in 1923, when the French seizure of the Ruhr coal-district met with passive resistance on the part of mine-owners and workmen, supported by their government. It must be noted that the German movement, like the resistance which was carried on for years by Korea against Japan, differed from Gandhi's struggle in that the refraining from violence was forced by conditions of disarmament rather than founded upon pacifist principle. As was to be expected under these circumstances, riots and bloodshed appeared in the Ruhr after a few weeks of extreme self-control. However imperfect these experiments may have been, they provide a valuable

supplement to the cases of individual resistance which have occurred in other countries.

As it is essentially the willingness to suffer rather than the willingness to inflict suffering that has made the heroism of war, a modification of the heroic ideal may eventually come about through the separation of these two elements by passive resistance.

War in Art

While new forms of heroism may appear, however, it will be far in the future, perhaps never, that international government can supplant war in the æsthetic nature of man. War has been enshrined in romance and art since the beginning of culture. Yet even the consecration of art cannot perpetuate institutions whose day has sounded. In the Age of Pericles idolatry inspired the highest art of the world; in the age of Louis XIV the æsthetic life of Europe centered around royalty. Democracy and Protestantism are less picturesque than their forerunners, but they have arrived, and new forms of art and romance with them.

The Relaxation Impulse

The impulse of relaxation is a twofold factor in war. In the first place, war breaks down the artificial inhibitions of society and allows the anti-social impulses to emerge. How widespread may be the harmful instincts thus liberated we cannot know. In any case, the revelation of their existence may serve to enlist, in the furthering of international government, the conservative forces of the community that have hitherto supported the old diplomacy that led to war. If atrocities and crime-waves become recognized as essential rather than incidental to war, the upholders of the present régime must acknowledge,

as never before, the suicidal character of the old policy.

The writer is inclined to believe, however, that atrocities spring rather from the abnormal conditions of war than from the normal Unconscious of mankind. Such primitive instincts as are liberated from the Unconscious are less likely to include blood lust than the urges of greed and sex, which in their crude form civilization has long kept under cover. In so far as these impulses persist, they may indeed create an unconscious desire for war which may emerge at any time to reinforce the more respectable instincts of belligerency.

There seems to be but one method by which the power of these instincts may be diminished, and that is by substituting as far as possible the transformation or sublimation for the repression of the primitive impulses. As we have quoted elsewhere from Freud, this transformation may be brought about by two factors, the outer factor, including education and culture, and the inner, which "consists in influencing the evil or selfish impulses through erotic elements, the love needs of men interpreted in the widest sense." While the results of repression are unstable and readily lost by a change of conditions, transformation, especially under the inner factor, is far more stable in its effects and may even tend to permanence through the inheritance of a congenital adaptability.

A circumstance very hopeful for the sublimation of the savage impulses to a point at which they will cease to influence the Unconscious toward war, is that the trend of education in the wider sense is increasingly from repression by mere social control toward the transformation of evil or selfish impulses through the erotic or love element. From the kinder-

garten to the State Prison the transforming power of love has become, at least, the professed ideal, and as the practice of society approaches this ideal we may expect to see a stabilization of ethics impossible under the old methods. To the degree that international relations, that last stronghold of repression, yield gradually to "erotic elements" in a brotherhood of nations, we may hope for the reduction to ineffectiveness of even the unconscious desire for war.

Social Restraint

The second form of relaxation brought by war is more healthful and less fundamental than that which releases the instincts of the Unconscious. It consists merely of the freeing of the average man from the irksome restraints and responsibilities of business and social life for a simpler and saner régime. While war brings this freedom, society need not invoke war for this purpose, any more than the boy in the historic tale was obliged to burn down his house in order to enjoy the delights of roast pig.

A simplification of present-day economic problems in the direction of cooperative industry would go far toward satisfying the instinct of relaxation, by reducing the insecurity of capitalist and laborer, by allowing greater leisure for out-door life and adventure, and by freeing the creative spirit in workmanship.

"Permanent peace cannot be expected," writes Partridge, "without a development of industrial democracy in each nation." [21]

Most important of all, a deliberate relaxation of the pressure of society on the individual is capable, not only of allowing the opportunity for variation

[21] Op. cit., p. 205.

which is essential to progress and the rationalization of the herd, but of supplying safety-valves for individual expression more continuous and less destructive than the occasional explosions of war.

Patriotism and National Honor

Last and most elevated of the impulses that lead men to fight are the sentiments of patriotism and national honor, the products of tradition rather than instinct, but fundamental in the psychology of peoples. These mark the loftiest reaches of herd consciousness, and their capacity for development is bounded only by the evolutionary possibilities of the herd itself. Their future is bound up in that of the herd.

Although the first thought is to identify these impulses with the nation and the war environment, there seems no adequate reason why both patriotism and national honor should not eventually receive full scope in the larger herd represented by world government. It is chiefly the existence of war that makes patriotism a wholly exclusive devotion. Feeling is naturally more intense toward the smaller and inner group, but, as strong family emotion has served to stimulate patriotism by creating the capacity for personal sacrifice, so a normal patriotism may constitute eventually an element of strength in international solidarity. Patriotism, to quote Partridge again, is quite compatible with internationalism.

National honor, moreover, when freed from the artificialities of the duelling code, should prove an invaluable element in world society. Just as the ideal of knightly honor, however imperfectly fulfilled, furnished at one time the saving grace in a Europe of physical force, the ideal of national honor

in its purity is quite capable of solving the problem of liberty among unequal groups which the devices of statesmen have hitherto failed to solve. Such national honor as that which made the United States fulfill its obligation to Cuba and return to China a part of the Boxer indemnity will prove a bulwark rather than an obstacle to international government.

As Partridge has noted, the most nearly universal form of satisfying intoxication is the ecstasy of being lost in a greater whole. As this greater whole becomes indefinitely enlarged, we need not necessarily expect a weakening of the ecstasy. We of the West are as yet amateurs in this field of psychology. The mystics of the East, who can accomplish ecstasy at will, tell us that exclusiveness tends to weaken the suggestion, and that the abandon of exaltation can be achieved only through the conception of infinite Unity. Be that as it may, we are not yet justified in declaring that exclusive nationalism has marked the acme of social ecstasy.

Summary

The war instincts are powerful, but, like some other monsters, tend to lose their terrors when met face to face. The primitive blood lust, for example, may prove to be only a chimera; the fear impulse, an instinct that has outlived its chief usefulness and is kept alive largely by artificial stimuli.

As we inquire into the future of these war impulses, we find them almost without exception bound up with the future of the herd-instinct, that which has power to overrule all the others. Whether or not fear shall continue to lead men to war depends to a great extent upon the developments of world organization and of propaganda. Whether the combat impulses shall take the channels of play, the

secondary conflict and the contest with nature, will doubtless be determined by the pursuits upon which society may set its approval. Whether social control is to to be lightened in order to provide other relaxations than war, whether the consecration of art to international combat is to continue, whether the ecstasies of patriotism and national honor are to be extended to the larger group,—the solution of all these problems lies with the herd itself.

By what methods can we hope to lead ourselves—the herd—toward rationality?

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CHAPTER XVII

THE TASK BEFORE US

It seems that the basic problems of international government lie in the field of social psychology. The work of statesmen and jurists is so nearly completed that the chief changes needful in our present machinery have already been suggested. The incompatibility of economic imperialism with a league of free peoples has long been perceived, and powerful groups are already urging reforms more or less drastic in the industrial system. In all these matters it is not so much enlightenment that is needed, as willingness to follow the light that we already possess. It is the desire for International Government, rather than its institutions, that has hitherto failed. People have continued to accept war rather than give themselves to an effective world league.

We find the roots of this acceptance of war to lie deep in the instincts of mankind,—a field which social psychology has but recently begun to explore. Hope has already been afforded us, however, that these impulses are capable of being guided by the social will in such directions that public opinion, dependent in the last analysis upon these instincts, may eventually become stabilized upon a foundation of international ethics.

Yet an empty optimism is not sufficient. If the social mind must be remodelled before International Government can become fully effective, it behooves us to begin the process.

What means are at hand for this great task? As

new advances are made in social psychology, new answers to this problem will doubtless be available; but even now society need not hesitate in the employment of certain methods already known.

These methods lie generally along the lines of industrial reconstruction, of individual liberty, and of ethical education.

Industrial Reconstruction

It has elsewhere been suggested that the occasional outlet for pent-up instincts provided by war could be replaced at least partially by the continuous relaxation of shorter hours, facilities for vacation and travel, and self-determining employment. Standards such as these for the masses could probably come to pass only through the establishment in some degree of industrial democracy. The same condition doubtless lies at the bottom of the problem of imperialism, upon the satisfactory solution of which depends the existence of world government. There is encouragement in remembering that the democratic reconstruction of industry is the acknowledged goal, not only of the powerful working-class International, but of a growing group of liberals in every developed nation.

Freedom of the Individual

A more fundamental form of relaxation that can be provided through industrial changes must come from a deliberate lifting of herd pressure from the individual in matters non-essential. Society is being forced to this relaxation of pressure by another consideration than individual welfare. This consideration is the necessity to progress of preserving freedom of individual variation, a freedom which we have seen to fulfil still another important function,

that of aiding in the rationalization of the herd. Here, again, we find that the same social changes that condition a desirable modification of instinct have elsewhere appeared of advantage toward our political solution.

In considering that key problem of the League, the preservation of liberty for the small state among the Great Powers, we thought the way out to lie not in the present practice of nominal state equality and actual state dependence, but in a shifting of the unit from the state to the individual by means of an apportionment of power and representation according to the number of politically free individuals in the group.

The sanction of International Government, moreover, we have found to rest upon neither physical violence nor the word of diplomats, but on the free consent of peoples. Harold Laski, in his *Authority in the Modern State,* has shown that national authority rests ultimately upon the sanction of individual consent, and that only as this is kept from mere formalism by the potentiality of "conscientious objection" can the sanction continue valid. It is possible, therefore, that the modern form of conflict known as passive resistance may prove of value not only as a war equivalent, but as an aid to the preservation of state sanction.

We are thus driven back once more to the ultimate responsibility of the individual will in international government. In this will must lie the sanction of every treaty, and of every league; and upon the establishment of this will upon a basis approximating peace and justice hangs the welfare of the world. Furthermore, upon the reactions of the people to suggestions of war and peace, whether these reactions be conscious or sub-conscious, individual or

collective, depends the continuance of the war régime or its replacement by world organization.

While individual wills within the group are governed, at least in their overt manifestations, not by unbridled instinct, but by some form of ethics, we find that the same wills in their collective relations with the out-group are swayed for the most part by instinct and apparent interest only, in almost complete disregard of such ethical principles as stand in the way.

Does the difficulty of establishing an international ethics lie in the preponderating strength of the war instincts, or in the inadequacy of the mores that have hitherto sought to oppose them? And, irrespective of the truth of the latter alternative, does society possess the power of modifying the mores by deliberate action?

Modification of the Mores by Education

Taking up the second problem, we are warranted in an affirmative, since the mores represent the conscious seal of society upon those suggestions or folkways which it approves. This approval is conferred by means of institutions and codes, which in turn are perpetuated or modified through education.

"Education is used here to refer not simply to the formal institutions of teaching, but to the complete social environment, the approvals and disapprovals with which an individual comes in contact."[1]

It is self-evident that education is the one force that can be counted upon to bring about such sublimations and redirections as were indicated in the previous chapter. If we are to hope for a modification of combat along the lines of play and secondary conflict, if we look for a progressive rationalization

[1] Edman, op. cit., p. 458.

of the herd through a raising of intellectual level and the provision of specific ethical standards, our reliance must be on education. Most important, perhaps, of all, it is only through education in its larger sense, including art, pulpit and press, that there may come a withdrawal of æsthetic support from war and a development of the herd-sentiments of patriotism and national honor to their loftiest possibilities.

We became familiar during the War with the power of education under the name of propaganda. "Paper bullets, according to Mr. Creel, won the war. . . . It has been discovered by individuals, by associations, and by governments that a certain kind of advertising can be used to mold public opinion and control democratic majorities."[2]

By a stretch of the imagination we may visualize the possible results if the official and unofficial institutions that poured forth war propaganda from 1914 to 1918 should transfer their energies for an equal period to propaganda against the war régime. We have seen the major forces of education directed for four years to the stimulation of the instincts that lead to war. Not until an equivalent energy has been expended upon the transformation of those instincts can we generalize upon the possibilities of education along international lines.

It is education in the large upon which social psychologists have placed their hopes.

Partridge expects war to cease by the development of the character of nations through natural process and through education. He suggests that education is especially needed to stimulate an intelligent and critical spirit toward propaganda, freedom of the press being an essential to this criticism.

His specific suggestions for cultivating the inter-

[2] Raymond Dodge in Park and Burgess, op. cit., p. 837.

nationalist idea are seven: first, by studying world and not local history, perhaps giving up for this purpose the usual order from known to unknown and from local to general; second, by educating national desires or ideals, bringing to bear a kind of social psycho-analysis; third, by education in the practical interests of the world such as food production; fourth, by educating in the higher developments of industry; fifth, by cultivating the democratic spirit and the powers of imagination; sixth, by spreading the ideas of world organization and of a universal language; seventh, by the development of the philosophical or religious attitude.

Bertrand Russell is of opinion that the prevention of war fever "can only be done by far-reaching changes in education, in the economic structure of society, and in the moral code by which public opinion controls the lives of men and women."[3]

James Mickell Williams believes that the best way to educate the public for impartiality among nations is to educate for impartiality in the class struggle, this education involving for the most part an effort to understand the side of the workers, as the employers' side has already received sufficient expression.

Weaknesses of Internationalist Education

Even from the larger point of view, on the other hand, there is a tendency to discouragement when we are again thrown back upon the force of education. We remember too well that education for internationalism flourished in the decade preceding the Great War as never before. School peace leagues were instituted; modern text-books vied with one another in sympathetic description of foreign lands;

[3] Op. cit., p. 97.

and richly endowed societies issued volumes and conducted functions to bring closer together the nations of the world. When the crash came, however, we not only found these internationalist teachings relegated to cold storage for the period of the war, but saw some of the same organizations and publicists who had labored so steadily for world brotherhood reversing their teachings for that specific occasion.

Education Along New Lines

It seems evident, therefore, that education, even while continuing the old methods, must proceed also along somewhat new lines, if we are not to expect "the international mind" to cease functioning at the very time when it is needed.

The suggestions already quoted regarding the development of impartiality in the class struggle and the encouragement of a critical spirit toward propaganda commend themselves as founded upon war and post-war experience. It is more than a coincidence that groups which were conspicuous in the United States for a crude belligerency and credulity during the war turned naturally to an equally crude antagonism toward certain labor organizations in the post-war period and to a ready belief in anti-labor propaganda from whatever source.

> Bolshevism replaced Germany as an object of hatred, and was used as a synonym for any attitude other than the one favoring the perpetuation of the dominance of the business class. "Americanism" became synonymous with the suppression of labor activities, liberalism in politics, liberalism of any kind.[4]

Partridge strikes at a vital weakness in internationalist education when he says that the militarist appeals to strong instincts, courage and fear, the

[4] Horace Kallen, in *Encyclopedia Americana*, vol. 28, p. 657.

pacifist to the weaker forces of pity and reason. This opinion may be partially dissented from on the ground that, while reason is indeed the first bulwark to fall in a crisis, pity is proverbially akin to the more active emotion of love. Pity is often another word for mere sentimentality, but love, of a personality, of a country, of an ideal, is a force that has often shaken the world. The only means of approaching permanence in the transformation of the anti-social primitive instincts, Freud tells us, is through the erotic elements, the love-needs of mankind.

While realizing the potential force of the love element, we should not forget, on the other hand, the strength and immediacy of the fear and pugnacity instincts as compared with the slower powers of reason.

A new type of internationalist education, indeed, is utilizing the fear principle with some effect. Will Irwin's *The Next War* may have succeeded in driving certain minds toward an effective League of Nations. Fear is a dangerous emotion, however, as tending to irrationality and panic; fear of war unsupported by firmer instincts is as likely to inspire preparedness as to inspire internationalism.

The Appeal to Virile Emotions

Courage, on the contrary, is an emotion that is more reliable than fear and of greater social value. It has hitherto rarely been invoked in the internationalist cause, though it seems quite capable of being brought into active service to counteract the fear instinct which is a fundamental cause of war.

Militarists and pacifists alike seem to have neglected the fact we have already mentioned, that it is willingness to suffer and die, rather than willingness

to inflict suffering and death on others, that forms the essential and admirable element in courage. The greater the risk incurred by the abolition of war and the whole-hearted abandonment to international government, the greater should be its appeal to the daring. Internationalists hitherto, absorbed in the mechanics of world-wide "safety first," have availed themselves but little of the stimulus to courage that lies in the summons to a nation to lead in the adventure of disarmament.

In the education of the young many attempts have been made to substitute the heroes of peace for those of war, recounting on the one hand the struggles of social workers and philanthropists, and on the other the steps to success in the lives of industrial magnates. In the latter case these biographies appear to have played their part in the stimulation of the predatory commercial idea which leads to war, and in the former they have largely failed of their purpose through dulness. The element of physical adventure is lacking, and even the combat with opposing social forces is usually toned down to lacklustre amiability.

Yet, as has been suggested, war is far from exhausting the opportunities for physical heroism. The men of the Titanic going down with their ship; Garrison unarmed in the hands of the mob; Regulus, dying in torture rather than betray his country or break his parole to the enemy; Socrates, refusing to yield his spirit to the herd or to evade their penalty—these stories have been utilized comparatively little in the new education.

Courage and Internationalism

An effective, though perhaps undesired appeal to courage on the side of internationalism, appeared

during the War in the rigorous laws which were passed in most nations to enforce military service and check criticism of government policies. In Great Britain especially, owing to the definiteness of the conscription issue and to the existing tradition of individualism, a militant anti-war spirit grew up among widespread groups. Both in England and, to a lesser number, in the United States, "conscientious objectors" were imprisoned for long terms, placed in solitary confinement, and subjected to physical punishments. In Great Britain 5,970 war objectors were court martialled from one to six times each; 816 served over two years in prison; ten died in jail, and thirty were condemned to death, the sentence being commuted to ten years' penal servitude.

In our own country opponents of war policies were kept in prison for years after the armistice. The offers of non-combatant service freely made to the "objectors" and of conditional pardon to the opponents of the war served rather effectually to weed out evaders and sentimentalists and leave a residuum of uncompromising quality.

Experiments in passive resistance also, upon a restricted scale in the suffrage and Irish movements, upon a larger scale in India, Korea and Germany, have served to arouse the instinct of combat along unconventional lines.

Upon the whole, the element of physical risk introduced by the "objectors" into the struggle between loyalty to the smaller and to the larger herd has made a decided cleavage between the somewhat sentimental pre-war internationalism and the more virile quality developed under draft and sedition laws.

Education in Ethics

The suggestion of reliance upon ethical education arouses despair in the minds of many who witnessed the apparent breakdown of international morality in 1914. In justice to education, however, we must recall that the conventional ethics of no civilized nation has ever condemned either war or personal violence in a just cause.

The personal ethics taught to our children contains little that could serve to inhibit the war instincts, boys, though not girls, being generally encouraged to give blow for blow. While violence has largely disappeared from individual adult life, the duelling code of honor still holds in theory, a man being expected to threaten violence in return for certain character aspersions without regard to their truth or falsehood. The morality taught in our public schools, moreover, is confined chiefly to obedience and conformity, qualities which are socially convenient, but provide no bulwark against the instincts of the herd.

War is an institution that is still approved by the morality of the world. The non-resistance of the New Testament has been taken seriously by a few sects, including the Society of Friends, but the ethics of our civilized code has accepted war and its attendant evils, with the single proviso that the cause be a righteous one.

"It is customary to blame the Church for the War, but it must be remembered that the Church as a whole was convinced, and still is, that a righteous war is possible, especially in defence; and on every side overwhelming evidence was produced that this war at least fulfilled these conditions."[5]

[5] W. E. Orchard, *The Basis for Internationalism*, in *The World To-morrow*, November, 1922.

Partridge writes that every important religion sanctions war, and theocracy and mysticism are usually involved in it. "Christianity . . . very readily lends its support to war, since wars are almost invariably regarded as defensive by all who participate in them. . . . Nations never go to war for purely moral reasons," but wars "are always justified morally, whatever the motives may have been that caused them."[6]

The World War, no matter what its relation to Christianity, cannot be regarded as a breakdown of the ethics of the generation. It was a natural development of the conventional teaching that aggressive and unjust war—that of the out-group—is to be opposed and condemned, but that righteous and defensive war—that of the in-group—constitutes a sacrificial duty.

Professor Dewey has suggested the need for a new morality, based upon a study of human nature:

> A morals based on study of human nature instead of upon disregard for it would find the facts of man continuous with those of the rest of nature and would thereby ally ethics with physics and biology. It would find the nature and activities of one person coterminous with those of other human beings and therefore link ethics with the study of history, sociology, law and economics. . . . Until the integrity of morals with human nature and of both with the environment is recognized, we shall be deprived of the aid of past experience to cope with the most acute and deep problems of life.[7]

Whether a new ethics linked with the study of history, sociology, law and economics would or would not include the approval of war is too difficult for us here to determine. It is well for us to recognize, however, that our ethics is not yet perfect, and that

[6] Op. cit., pp. 118, 122.
[7] Op. cit., p. 12.

one of its imperfections may perhaps lie in the absence of practical condemnation for what is generally recognized as the sociological evil of war.

In view of the present ethical status of war, it seems that little can be hoped from a more efficient education according to the present standards. Perhaps the only type of ethical education that could be expected to modify materially the impulses that lead to physical conflict would be an education based upon the condemnation of all war and the acceptance of any risks that may thus be involved.

A Change of Emphasis

Although disapproval of war in specific terms has been absent from our ethics thus far, we must not fail to recognize the sincere efforts that have been made toward inculcation of a sentiment for Peace. There flourished in 1914, as has been mentioned, a widespread educational movement in this direction, as evidenced by numerous publications on arbitration and conciliation, by text-books of internationalist tendency, and by lectures and professorships planned to stimulate friendly understanding. The weakness of the feeling thus engendered as against the mores of the war régime has tended to make the term Peace a synonym for empty sentimentality.

Some suggestions have been given toward sterner stuff in internationalist education, and toward the possible establishment of a new ethical standard concerning war. Another still may be hazarded.

The Peace Movement has heretofore shared in rather unusual degree the modern tendency toward the positive and constructive rather than the negative and destructive. Emphasis has been laid less upon the abolition of war than upon the building of international institutions, the understanding of other

nations, and the inculcation of a spirit of mutual helpfulness. These conceptions are indeed lofty and worthy of an advanced stage of society.

The question arises, however, Are they capable of embodiment in the mores? As we look back to the foundation of mores in the folkways, we find everywhere not the positive and the complex, but the negative and simple, the tabu.

The Tabu

This "oldest unwritten code of the law of humanity,"[8] to quote Freud, "expresses itself essentially in prohibitions and restrictions." The striking fact about the tabu in savage society is its success in running counter to the strongest primitive instincts, such as that of sex.

The Australian aborigines, according to Freud,[9] "reveal to us an unusually high grade of incest dread or incest sensitiveness;" and their tabu includes a series of avoidances "which watch over the individual behavior to near relatives in our sense, which are maintained with almost religious severity and of whose object there can hardly be any doubt."

In early civilization we find the Mosaic Code, with its elaborate prohibitions which even to-day order the lives of millions, and at a later period the system of Puritanism, a series of restrictions which underlay some of the most virile movements of the seventeenth century.

Negative and Affirmative

It may be that the superficial quality observed in our present morality in the face of educational advancement is due partly to the emphasis laid upon

[8] *Totem and Taboo*, pp. 30-31.
[9] *Ibid.*, pp. 9, 15.

the positive rather than the negative in all recent ethics. While the positive marks undoubtedly a higher social development than the negative, it may be questioned whether it is yet able to furnish a foundation for the mores. The ethics of "Thou shalt not" is crude, yet because of its crude simplicity it can be grasped by the average man, who, according to some psychologists, is of little more than moron intelligence, and by the child, in whom the foundations of all folkways must be laid.

It is possible, therefore, that internationalists, in their emphasis upon the affirmative rather than the negative, upon brotherly spirit and war substitutes rather than the simple abolition of war, may have chosen an appeal that runs counter to popular psychology. The ecstasy of war itself is founded upon a negative. "They shall not pass" is the slogan that can thrill a people, not the constructive arrangements that are to be laid down in the peace treaty.

In national life we have popular movements based upon a simple and usually negative issue. Prohibition and anti-slavery were carried to victory by advocates who had never stopped to formulate the details of sumptuary laws or the type of wage-labor best adapted to the Southern States. As long as Socialists and Communists are occupied with the simple negative of the abolition of capitalism, their movement assumes revolutionary proportions; but when the affirmative substitute for capitalism claims consideration, popular enthusiasm flags while leaders debate the many paths that are open. This contrast is doubtless inevitable, for social institutions are rarely the result of deliberate plans, but evolve naturally from the conditions of a specific time, after a popular movement of several generations has cleared the ground of outworn customs.

The internationalist issue has the advantage of being capable of reduction to a simple negative, "No More War," as it has been popularly phrased. This is probably the only form in which it can ever bring the formation of new mores, though statesmen can meanwhile be constructing war substitutes in line with the social and economic demands of the period. As the United States Constitution followed rather than preceded the Declaration of Independence, so it is probable that the effective League of Nations will appear as the flowering rather than the foundation of a popular Will to Peace. In the slogan, "War Against War," lies a possibility of sublimating the war impulse itself.

Instincts the Fundamental Forces

To stabilize public opinion upon a basis of international peace and justice is no light task. Powerful instincts must be transformed through the conscious will of society, which is itself dependent upon the degree of herd rationality that may have been attained.

There is no easy path to changing the psychology of society, for it must be borne in mind that sublimations are at best less stable than primitive instincts. While the unconscious impulses of a mob are very likely to coincide, the sublimations of individuals, says MacCurdy, may be so different as to neutralize one another. Moreover, "clinical experience teaches us that in any occasion of mental stress the primitive tendency is most apt to be followed." [10]

On the other hand, we know that human nature is plastic rather than fixed; and we have found the transformation of the war instincts to be not merely the desire of philanthropists but the course to which

[10] MacCurdy, op. cit., p. 34.

the economic necessities of the world are driving us under grim alternatives.

We need not fix our gaze so narrowly upon a certain group of impulses, moreover, as to forget that these do not necessarily complete the category of instincts.

"New and primitive activities are constantly occurring," says Dewey, with changes in the environment.[11]

Woodworth believes that the human mind may acquire new drives as it acquires new mechanisms, "for every mechanism when at that stage of its development when it has reached a degree of effectiveness without having yet become entirely automatic, is itself a drive and capable of motivating activities that lie beyond its immediate scope. The primal forces of hunger, fear, sex, and the rest, continue in force, but do not by any means, even with their combinations, account for the sum total of drives actuating the experienced individual." [12]

Among the stupendous environmental changes that have come with industrial civilization, there cannot fail to exist new and powerful impulses capable of reactions as yet unforeseen upon the old jungle tendencies.

The Anti-War Instincts

Even if we keep within the restricted range of the recognized primitive, we find some of the most deep-seated instincts acting directly contrary to the war impulse.

If self-preservation is too general and purposive to be classed as a true instinct,[13] it may be counted as a more generalized form of the flight impulse,

[11] Op. cit., p. 155.
[12] Op. cit., p. 104.
[13] See Edman, op. cit., p. 4; Woodworth, p. 168; Dewey, p. 134.

with its emotion of fear. While it may frequently take the form of pugnacity and thus act as a war-instinct, the original impulse of flight is not necessarily lost and is liable to reappear without warning, either overtly or in the form of a neurosis classified as shell-shock.

Of more moment than the flight instinct, because of affirmative rather than of negative value to society, are the sex and parental impulses.

The former of these is generally recognized as the strongest of the instincts that have reached the emotional stage. Both war and the preparation for it run directly counter to the satisfaction of the reproductive impulse, and this essential conflict has formed a perennial theme of tragedy. In two ways the sex emotion has been reconciled with war in modern times—first, by its sublimation into a passion for immolating both self and the beloved object in behalf of a more remote conception, and second, by a relaxation of the sex mores for war purposes which may range all the way from personal looseness to the condoning of "atrocities" as a military necessity.

The parental impulse, like that of self-preservation, is termed by Edman too general and purposive to be a true instinct. McDougall places it in his primary list, however, and considers this instinct, with its accompaniment, the tender emotion, as the root of all altruistic feeling, and as the origin, when combined with pugnacity, of the emotion of indignation and of the institutions of public law.

"This instinct becomes more powerful than any other, and can override any other, even fear itself; for it works directly in the preservation of the species." [14]

[14] Wm. McDougall, *An Introduction to Social Psychology*, p. 67.

Closely connected with the parental instinct we have pity and sympathy, which Dewey tells us are as native as pugnacity and fear.[15]

The Instincts and Modern War

In primitive society the sex and parental instincts tended to strengthen rather than inhibit the war impulse. In the presence of invasion, in a community recognizing slavery and wife stealing, the summons to defend the fireside brought an immediate appeal. Military expeditions were short and loosely organized, and the sex instinct need not long be denied. Moreover, the tender emotion was as yet strictly limited to the in-group, and ethics presented no obstacles to conduct outside this limit.

During the civilized period, however, there has been a steady development not only in the complexity of military activity, but in the expansion of social ethics.

On the one hand, we have the perfection of military discipline and the extension of campaigns, the decrease of direct danger to the home with the remoteness and civilization of the enemy, and the gradual removal of the objective of war from the defence of persons to the defence of property. On the other hand, there has slowly been developed around the group of emotions proceeding from the sex and parental instincts a set of mores which lie at the foundation of organized society, including honor, kindness, and sex morality, and in peace time extending their scope far into the out-group. Thus the impulse toward war is obliged to overcome the resistance, not only of the primary urges of sex and the nurture of offspring, but of the entire body of

[15] Op. cit., p. 111.

intra-group ethics embodied in codes ranging from the common law to the Sermon on the Mount.

This increasing resistance of human nature to war has been met adequately thus far. First, it has to some extent been neutralized by the perpetuation in art and literature of an artificial picture of war, where the conventions are still those of the primitive defense and attack. Second, there has grown up the series of transformations already mentioned, whereby the sex and parental passions have been led to consecrate themselves to the group, as in former days to the monastic ideal. The personification of the nation has served as an important factor in this transference of emotion.

As with all transformations, however, the results have been essentially unstable. The World War produced instances of failing war impulse upon such a large scale that "shell-shock" and loss of morale are now accepted as regular casualties after a brief period of ecstasy.

The Necessity of Propaganda in War

Accordingly, while the World War seems in some respects a gigantic proof of the survival of primitive savagery, it yet furnishes a striking illustration of the weakness of the war-instincts in modern society. It has made us familiar with something which probably never occurred before in the history of mankind, a frank resort by the nations to elaborate and expensive propaganda, in the realization that the spirit of belligerency could no longer survive without stimulation.

The mass required to be argued, sung and whipped into enthusiasm. Instruments of propaganda for this purpose were both official and voluntary, and they used all the methods known to the advertising agent and a good many

new ones. They played upon fear, vanity, the blood-lust, greed and hatred, certainly not less than on the nobler emotions.[16]

Sometimes the process was negative in character, consisting of the withholding of such facts as have come from the press since the armistice in the belated books of war correspondents. At other times the propaganda included actual falsehoods, as in the atrocity stories against Belgium that circulated in Germany in 1914.

Every state acknowledged, in deed if not in word, that war fever could not remain alive in the nation without artificial protection and nourishment. In this fact lies the greatest hope of international government; for in the presence of a free press and the absence of official propaganda it is doubtful whether any government would trust the war instincts of the people sufficiently to open hostilities, except in the case of literal invasion.

Summary

The task before us is the stabilization of public opinion upon a basis of international ethics. We find international relations at present still dominated by the expectation of war, and it is this expectation that chiefly prevents the world from a serious trial of international government. We have examined, furthermore, the instincts which lead to war, and have found that with few exceptions they are capable of transformation into tendencies beneficial rather than detrimental to world society.

This transformation can be accomplished only by the gradual establishment of new mores; and the force upon which we must rely is that of education in the wider sense. It is true that a widespread

[16] Horace M. Kallen, *Encyclopedia Americana*, vol. 28, p. 658.

attempt at education in internationalism failed to hold back the World War, but this experience has pointed out to us certain weaknesses in our ethical teaching and so has brought hope of ultimate success along somewhat new lines. We are encouraged, moreover, by the realization that the war-instincts do not occupy the whole field of the Unconscious, and that instincts at least equally strong are ready to oppose these as soon as artificial inhibitions and stimulations are removed.

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CHAPTER XVIII

THE OUTLOOK

We have traced the conception of a league of nations from antiquity to our own time, and have found it no sudden device sprung full-armed from the Conference at Versailles, but a mature institution shaped gradually through the experiments of centuries and with its further outlines sketched not far from completely by a succession of thinkers. We have seen the rise of nationalism, internationalism, and imperialism, and the emergence of the actual League of Nations into a world absorbed in the struggles of these three movements.

In analyzing the Covenant of the League and examining its relation to these movements in our time we have noted unsolved problems, the chief of these being the problems of equality and democracy, of sanction, and of the persistence of the war régime. To meet these problems certain internal changes in the League suggest themselves; yet the weaknesses of the institution lie far less in itself than in the environment where we have placed it. Material rearrangements must take place in the economic structure of society before a League of Nations can efficiently function.

Deeper than economics, however, lie the human instincts that lead to war, and a League of Nations can gain its essential sanction of public opinion only as certain instincts become transformed through education, as certain other instincts are left free to offer

their natural opposition to the war spirit, and as insistence upon individual judgment and expression affords opportunity for the progressive rationalization of the herd.

The social psychologists of the coming generation must play their part in the study of variant motives in order "to detect the rise of what are to be new tendencies of social behavior and to predict their effect on social organization in the hope that the predictions may make it possible to anticipate and facilitate inevitable changes."[1]

Statesmen have long labored to establish an effective substitute for war, an international government which should secure justice among nations as a national government secures justice among individuals. Now the machinery of international justice is well-nigh complete, but it stands idle and rusting while men brandish the old weapons of injustice and fear. It is the will for International Government that is yet lacking. We may hope, therefore, that the internationalists of the next generation, after making a few obviously needed changes in their completed machinery, and providing an economic environment in which it can function without hindrance, will turn more and more to the social psychologists for help in the understanding of those instincts which lie at the roots of war and peace, and with the survival or transformation of which International Government is inextricably involved.

[1] Partridge, op. cit., p. 452.

APPENDIX I

COVENANT OF THE LEAGUE OF NATIONS

[In italics are given the amendments approved by the Council and Assembly through 1922. These amendments will become a portion of the League Covenant when ratified by a majority of the States whose representatives form the Assembly.]

THE HIGH CONTRACTING PARTIES

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honorable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, Agree to this Covenant of the League of Nations.

MEMBERSHIP AND WITHDRAWAL

Article 1. The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant, and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accessions shall be effected by a declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governed State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guaranties of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League

in regard to its military, naval and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

EXECUTIVE ORGANS

Article 2. The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

ASSEMBLY

Article 3. The Assembly shall consist of representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time, as occasion may require, at the Seat of the League, or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

COUNCIL

Article 4. The Council shall consist of representatives of the Principal Allied and Associated Powers (United States of America, the British Empire, France, Italy and Japan), together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Greece and Spain shall be Members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League, whose Representatives shall always be Members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council. The following paragraph

shall be inserted between the second and third paragraphs of Article IV of the Covenant:

"The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility."

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a Member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

VOTING AND PROCEDURE

Article 5. Except where otherwise expressly provided in this Covenant, or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

SECRETARIAT

Article 6. The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and the staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

[The fifth paragraph of Article VI will read as follows:]

"The expenses of the League shall be borne by the members of the League in the proportion decided by the Assembly;"

"The allocation of the expenses of the League set out in Annex 3 *shall be applied as from January* 1, 1922, *until a revised allocation has come into force after adoption by the Assembly."*

SEAT, QUALIFICATIONS FOR OFFICIALS, IMMUNITIES

Article 7. The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

REDUCTION OF ARMAMENTS

Article 8. The members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programs, and the condition of such of their industries as are adaptable to warlike purposes.

PERMANENT MILITARY COMMISSION

Article 9. A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

GUARANTIES AGAINST AGGRESSION

Article 10. The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.

ACTION IN CASE OF WAR OR THREAT OF WAR

Article 11. Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the Secretary-General shall, on the request of any Member of the League, forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or

of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

DISPUTES TO BE SUBMITTED TO ARBITRATION OR INQUIRY

Article 12. The members of the League agree that, if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration *or judicial settlement* or to inquiry by the Council and they agree in no case to resort to war until three months after the award by the arbitrators *or the judicial decision,* or the report by the Council.

In any case under this Article, the award of the arbitrators *or the judicial decision* shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

ARBITRATION OF DISPUTES

Article 13. The members of the League agree that, whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration *or judicial settlement*, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration *or judicial settlement.*

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration *or judicial settlement.*

For the consideration of any such dispute, the court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Article 14 or any tribunal agreed on by the parties to the dispute or stipulated in any convention existing between them.

The members of the League agree that they will carry out in full good faith any award *or decision* that may be rendered, and that they will not resort to war against a member of the League which complies therewith. In the event of any failure to carry out such an award or decision, the Council shall propose what steps should be taken to give effect thereto.

COURT OF INTERNATIONAL JUSTICE

Article 14. The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

DISPUTES NOT SUBMITTED TO ARBITRATION

Article 15. If there should arise between members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration *or judicial settlement* in accordance with Article 13, the members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavor to effect a settlement of the dispute and, if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council, either unanimously or by a majority vote, shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the Members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the Members thereof other than the Representatives of one or more of the parties to the dispute.

SANCTIONS

Article 16. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committeed an act of war against all other Members of the League,[1] which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the

[1] The latter part of the first paragraph of Article 16 of the Covenant shall read as follows:

". . . *which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between persons residing in their territory and persons residing in the territory of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between persons residing in the territory of the Covenant-*

covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

4. Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

breaking State and persons residing in the territory of any other State, whether a member of the League or not."

2. The second paragraph of Article 16 shall read as follows:

"*It is for the Council to give an opinion whether or not a breach of the Covenant has taken place. In deliberations on this question in the Council, the votes of members of the League alleged to have resorted to war and of members against whom such action was directed shall not be counted.*"

3. The third paragraph of Article 16 shall read as follows:

"*The Council will notify to all members of the League the date which it recommends for the application of the economic pressure under this Article.*"

4. The fourth paragraph of Article 16 shall read as follows:

"*Nevertheless, the Council may, in the case of particular members, postpone the coming into force of any of these measures for a specified period where it is satisfied that such a postponement will facilitate the attainment of the object of the measures referred to in the preceding paragraph, or that it is necessary in order to minimize the loss and inconvenience which will be caused to such members.*"

DISPUTES WITH NON-MEMBERS

Article 17. In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of Membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16, inclusive, shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given, the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of Membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute, when so invited, refuse to accept the obligations of Membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

REGISTRATION AND PUBLICATION OF TREATIES

Article 18. Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

REVIEW OF TREATIES

Article 19. The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world.

ABROGATION OF INCONSISTENT OBLIGATIONS

Article 20. The Members of the League severally agree that this Covenant is accepted as abrogating all obligations

or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations

ENGAGEMENTS THAT REMAIN VALID

Article 21. Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace.

CONTROL OF COLONIES AND TERRITORIES

Article 22. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be intrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories* on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their

* Usage in official documents of the League of Nations recognizes the word "Mandatory" as either a noun or an adjective. In this book, except in quotations from those official documents, "Mandatory" has been the adjective, and "Mandatary" the substantive.

existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as Southwest Africa and certain of the South Pacific islands, which, owing to the sparseness of their population or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories, and to advise the Council on all matters relating to the observance of the mandates.

SOCIAL ACTIVITIES

Article 23. Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

(a) Will endeavor to secure and maintain fair and humane conditions of labor for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations;

(b) Undertake to secure just treatment of the native inhabitants of territories under their control;

(c) Will intrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children and the traffic in opium and other dangerous drugs;

(d) Will intrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(e) Will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;

(f) Will endeavor to take steps in matters of international concern for the prevention and control of disease.

INTERNATIONAL BUREAUS

Article 24. There shall be placed under the direction of the League all international bureaus already established by general treaties, if the parties to such treaties consent. All such international bureaus and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaus or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

PROMOTION OF RED CROSS

Article 25. The Members of the League agree to encourage and promote the establishment and co-operation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

AMENDMENTS

Article 26.* Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

* Article 26 shall read as follows:

"Amendments to the present Covenant the text of which shall have been voted by the Assembly on a three-fourths majority, in which there shall be included the votes of all the members of the Council represented at the meeting, will take effect when ratified by the members of the League whose representatives composed the Council when the vote was taken and by the majority of those whose representatives form the Assembly.

"If the required number of ratifications shall not have been obtained within twenty-two months after the vote of the Assembly, the proposed amendment shall remain without effect.

"The Secretary-General shall inform the members of the taking effect of an amendment.

"Any member of the League which has not at that time ratified the amendment is free to notify the Secretary-General within a year of its refusal to accept it, but in that case it shall cease to be a member of the League."

APPENDIX II

MEMBERS OF THE LEAGUE OF NATIONS

I. Original Members of the League of Nations, Signatories of the Treaty of Peace:

*United States of America
Belgium
Bolivia
Brazil
British Empire
Canada
Australia
South Africa
New Zealand
India
China
Cuba
*Ecuador
France
Greece
Guatemala
Haiti
*Hedjaz
Honduras
Italy
Japan
Liberia
Nicaragua
Panama
Peru
Poland
Portugal
Rumania
Serb-Croat-Slovene State
Siam
Czecho-Slovakia
Uruguay

States Invited to Accede to the Covenant:

Argentine Republic
Chile
Colombia
Denmark
Netherlands
Norway
Paraguay
Persia
Salvador
Spain
Sweden
Switzerland
Venezuela

(The states above marked with a star have not become members of the League.)

2. Members later admitted to the League, with dates of admission:

Austria	1920
Costa Rica	1920
Luxemburg	1920
Finland	1920
Bulgaria	1920
Albania	1920
Esthonia	1921
Latvia	1921
Lithuania	1921
Hungary	1922

INDEX

Aaland Islands, problem of, 187
Achæan League, 25
Adams, John, on foreign alliances, 31
Administrative commissions, 99
Adoption into a clan, 5
African tribes, cohesion among, 2
Alabama Claims, 67
Albanian Commission, 101
Alliances and democracy, 38
Alliances between nations, 30, 31
Alliances, dangers of, 37
Allied Maritime Transport Council, 97
Amphictyony, the, 3
Ancient imperialism, 8
Ancient treaties, 50
Anglo-American boundary arbitrations, 64
Anti-war instincts, 372
Arbitral Justice, attempt to establish court of, 79
Arbitration, convention on, 78; in ancient times, 61; in mediæval times, 62; in modern times, 64; personnel of, 73
Arbitration treaties in force at outbreak of World War, 81
Aristides, his work in the Greek League, 24
Armament, limitation of, 54
Assembly of the League of Nations, 171
Atrocities in war, 306
Austria, rehabilitation of credit in, 206
Automobile Conference, 94

Balance of Power, its utility, 35
Balkan problem, the, 188
Bentham, Jeremy, formulates peace plan, 157
Biological excuse for war, 284 et seq.
Bismarck, cements Triple Alliance, 32
British Empire, growth through imperialism, 129
Bryan, William Jennings, his labor on treaties, 51, 84
Bryce, James, on the Power of the Church to preserve peace, 16

Canadian border, determined by arbitration, 65
Carnegie Peace Palace, 81
Central American treaties, 82
Centralized power, a tendency in the United States, 29
Clientage, in ancient Rome, 7
College of Fetials, 43
Combat, the future of, 335
Combative instinct, the, 314
Commendation, in feudal times, 7
Commission of inquiry, recommended at the Hague, 76
Communist League, 137
Communist Manifesto, 137
Concert of Europe, 107
Condominium, a political experiment, 99
Council of the League of Nations, 171, 233
Court of Arbitration made permanent, 78
Criminal type, of nations and persons, 303-305
Crusades, Church influence behind the, 12

Damage awards, after War of American Revolution, 66
Danube Commission, 96
Darwinian theory applied to warfare, 284
Declaration of Paris, 52
De Jure Belli, by Gentilis, 45
Delogoa Bay Case, 68
Delian Confederacy, 24
Diplomacy, its purpose and power, 102
Diplomacy, secret, 167

Economic side of international government, 254 et seq.

Economic stagnation, remedies for, 277 et seq.
Education, as a molder of social instinct, 359
England and America, boundary and other questions, 68 et seq.
Equal power of nations in the League, 237
"Eternal Peace," by Kant, 155
Ethical education, a deterrent of war, 366
Europe, economic situation in, 273
Excommunication, penalties of, 20
Excommunication, power of, 11
Executive branch of international government, 89 et seq.

Fabian Program, 162
Fear, as a war motive, 313, 333
Federalist, quoted, 26, 27
Federalists and Anti-Federalists in America, 26, 27
Federation, definition of, 23
Federation, German, 30
Federation, Swiss, 30
Financial powers, their relation to government, 264
Fisheries problems between England and America, 70
Five-Power Naval Treaty, 212
Force, as a League sanction, 245
Four-Power Pact, 34
Freedom of the individual, as a social outlet, 357
Freedom of the seas, 110

Geneva Convention of 1864, 52
German Federation, 30
Grand Design of Henry IV, the, 152
Great Britain, abandons policy of isolation, 33; cost of army and navy, 274
Greece, early political league in, 3
Greek leagues, 24
Guest-friend, protects traveling merchants, 6

Hague Conferences, 53
Hague Convention, for pacific settlement of disputes, 74
Herd instinct, the, and future warfare, 340 et seq.
Historic forms of international government, 1
Holy Roman Empire, 10

Imperialism, ancient, 8; ancient and modern, 124 et seq.; and the League of Nations, 225 et seq.; contrasted with Nationalism, 134; in the 20th century, 129
Indian tribes, cohesion among, 2
Industrial expansion, process of, toward war, 257
Industrial reconstruction, as a social outlet, 357
Institute of Agriculture, 94
Inter-allied control during the World War, 97
International Association of Workingmen, 137
International Court of Arbitral Justice, 79
International government, biological aspects of, 284 et seq.; economic side of, 254 et seq.; executive branch of, 89 et seq.; problems of, 235 et seq.
International Justice, Permanent Court of, 183
International Labor Conference, 200
International law, 42 et seq.
International Maritime Committee, 94
International river commissions, 95
International Socialist Bureau, 139
International Union of Railway Freight Transportation, 94
Internationalism, Definition of, 136; education as a factor in, 359 et seq.; how related to imperialism, 147; how related to nationalism, 147; its relation to League of Nations, 199 et seq.

Japan, enters world diplomacy, 34
Jay Treaty, of 1794, 65
Jews, their claim of a personal God, 10

Judicial branch of international government, 61 et seq.
Jus Gentium, The, 43
Jus Naturæ, The, 44

Kant, Emmanuel, writes "Eternal Peace," 155

Ladd, William, formulates peace plan, 158
League Covenant of 1919, 170 et seq.
League of Nations, the, and imperialism, 225 et seq.; and the mandatory system, 226 et seq.; a possible combination of world-powers, 230; as an alliance, 39; attitude toward nationalism, 185; covenant of, 168 et seq.; duties of the secretariat, 182; economic rivalry in, 273; economic problems, 204; efforts toward prevention of war, 207, 219; Executive Department, 175. failure to abolish war régime, 251; force as a sanction, 245; ideal of, 152 et seq.; inequality of nations a problem, 237; its assembly as a parliament, 196; its relation to internationalism, 199 et seq.; its relations with Russia, 202; Limitation of Armaments, 177; membership in, 164, 175; power of Council, 233; public consent a factor, 248; religion as a sanction, 243; weak nations in, 232; when established, 181
League of the Just, 137
League to Enforce Peace, 161
Legal aspect of leagues, 42 et seq.
Limitation of Armaments, as proposed by League of Nations, 177
Lorimer, James, formulates peace plan, 159

Mandatory system, the, 226 et seq.
Marx, Karl, influence of, 137
Mediæval theocracy, 10
Mediation and arbitration, in the League of Nations, 208
Mediation, contrasted with arbitration, 73
Metric Union, 94
Mexico, and the oil situation, 270
Monroe Doctrine, the, 111 et seq.; a deterrent of treaties, 52
Moore, John Bassett, elected to Permanent Court, 184
Morality of nations, 307
Munition firms, profits of, 262

National honor, a spur to war, 326, 353
National morality, 307
Nationalism, after the World War, 122; and the League of Nations, 185; contrasted with imperialism, 134; definition of, 119; in 1815, 121
Nationality, essentials of, 123
Near-Eastern situation, 190
Neo-mercantilism, 131

Oil interests, and international relations, 265
Opium Commission, 94

Pan-American congresses, 114
Papacy, power of the, 12
Passive resistance, 348
Patriotism, a spur to war, 325, 353
Peace movement, of 11th century, 15
Peace of God, 15
Peace societies first formed, 158
Peloponnesian League, 24, 61
Penn, William, writes "Plan for the Peace of Europe," 154
Permanent Court of International Justice, 183
Philip of Macedon, attitude on early League, 4
"Plan for the Peace of Europe," by Penn, 154
Poison Gas, its use in future warfare, 213
Pope, early view of his position, 18
Population basis of representation, 241
Postal Union, Universal, 90
Prevention of war, League efforts toward, 207, 219

Primary instincts of mankind, 312
Primitive society, 1
Prison Congress, 94
Propaganda, necessity of, in war, 375
Psychology of war, 298 et seq.
Public consent a factor in the League of Nations, 248
Public international unions, 89

Quadruple Alliance, the, 32

Racial strains, a reason for war, 290
Radiotelegraphic Union, 94
Reduction of armament, and the League of Nations, 209
Regulation of the customs of war, at the Hague, 56
Religion, a problem of the League of Nations, 243
Religious leagues, early, 3
Representation, apportionment of, 240
Revolutionary War, questions arising from, 65, 66
River commissions, 95
Roman Empire, an early league of nations, 9
Rome, early protection of non-citizens, 7; international law of, 43
Russia, and the oil situation, 271; its relations with League of Nations, 202

Saint Pierre, Abbé, plan of a League, 153
Sanitary Union, the, 94
Secret diplomacy, and the League of Nations, 208; perils of, 37
Servius Tullius, his protection of non-citizens, 7
Social control, and herd differences, 343
Social custom, subject to change, 329
"Social mind," the, how defined, 301
Social psychology, its bearing upon war, 298
Socialist Bureau, International, 139
Socialist explanation of war, 255
Socialist Party Program, 162
Socialist remedy for economic stagnation, 277, 281
Socialist view of war, 139
Society, primitive, 1
South American treaties, 82
Spanish-American War, its effect upon the policy of the United States, 115
State sovereignty, in United States settled by war, 29
Submarine cables, international rules regarding, 93
Submarine warfare of the future, 215
Sugar Convention, 94
Survival of the fittest, a secret of warfare, 285
Survival of the unfit, in modern war, 292
Swiss Federation, 30

Tariff barrier, provocative of war, 263
Telegraphic unions, 92
Theocracy, its relation to international government, 13; mediæval, 10; weapons of the, 19
Third International, the, 143
Trade Unions, International Federation of, 145
Treaties between nations, 49
Treaty of Ghent, of 1814, 66
Treaty of Westphalia, 22
Tribal adoption, 5
Triple Alliance, 32
Triple Entente, 34
Truce of God, 15
Turkey, negotiations with, concerning oil, 266

Upper Silesia, problem of, 186
United States of America, an example of federation, 25; and arbitration treaties, 83; early attitude of, on foreign alliances, 31; in the realm of diplomacy, 104 et seq.; its refusal to enter League, 181
Universal Postal Union, 90

Venezuela boundary question, 69
Versailles Treaty, when signed, 181

Vienna Union of Socialist Parties, 144

War, aesthetic element of, 322, 349; as freedom from routine, 323, 352; atrocities in, 306; biological side of, 284 et seq.; fear as a motive to, 333; future of instincts to, 329 et seq.; in primitive society, 1; national honor a stimulant to, 326, 353; necessity of propaganda in, 375; patriotism as a stimulant to, 325, 353; psychology of, 298 et seq.; results in breaking of treaties, 50
War of 1812, complications arising from, 66
War régime, its persistence despite League, 251
War spirit exploited commercially, 261
Warfare, code of, adopted in 1899, 56; rules of, in the future, 217
Washington Conference on armaments, etc., 211
Westphalia, Treaty of, 22, 51
Wilson, Woodrow, his "Fourteen Points," 166
Wireless telegraphy, a world problem, 94
Workers' International, 137
Workingmen, International Association of, 137
World War, the, its effect upon the Hague conventions, 57; peace activities during, 159; precipitated by Balance of Power, 37. shatters concert of Europe, 110

Xenos, or guest-friend, 6

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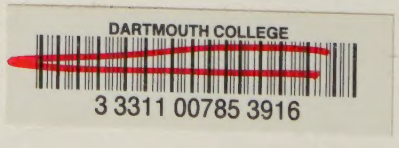

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